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ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Act
Grievance Procedures
- 2) Code Citation: 4 Ill. Adm. Code 125
- 3) Section Numbers: Proposed Action:
125.10 New Section
125.20 New Section
125.30 New Section
125.40 New Section
125.50 New Section
125.60 New Section
125.70 New Section
125.80 New Section
Appendix A
- 4) Statutory Authority: 28 CFR 35.107 (56 Fed.
Reg. 35,718); Ill. Rev. Stat. 1989, ch. 14, par. 4
and ch. 127, pars. 1004(c) and 1005.
- 5) A Complete Description of the Subjects and Issues Involved:
Rules promulgated by the United States Attorney General pursuant to section 204 of the Americans With Disabilities Act of 1990 (42 U.S.C. Section 12134) require that a State agency employing 50 or more persons adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging that the agency has excluded an individual from participation in or denied the individual the benefits of the agency's services, programs or activities or has otherwise discriminated against the individual by reason of the individual's disability. This rulemaking is proposed for purposes of compliance with the Federal regulation.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐ If "yes", please specify date _____.
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

- 10) Statement of Statewide Policy Objectives: These rules will not create, enlarge or modify a State mandate on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on the proposed rulemaking:
Interested parties may submit written comment within 45 days of this notice, to the attention of:
Mr. John E. Stevens
Chief Counsel
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706
- 12) Initial Regulatory Flexibility Analysis:
A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
B) Types of small businesses affected: None
C) Reporting, bookkeeping or other procedures required for compliance: None
D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on the next page.

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

TITLE 4: GRIEVANCE PROCEDURES
CHAPTER II: ATTORNEY GENERAL

PART 125

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURES

Section 125.10	Purpose
Section 125.20	Definitions
Section 125.30	Grievances
Section 125.40	Manner of Filing
Section 125.50	Initial Response
Section 125.60	Review
Section 125.70	Accessibility
Section 125.80	Case-by-Case Resolution
Appendix A	Grievance Form

AUTHORITY: Implementing 28 CFR 35.107 (56 Fed. Reg. 35,718 (1991)) and authorized by Section 4 of the Attorney General Act (Ill. Rev. Stat. 1989, ch. 14, par. 4) and sections 4 and 5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1004 and 1005.)

SOURCE: Adopted at ___ Ill. Reg. ___, effective ____.

Section 125.10 Purpose

- a) This Part establishes the grievance procedure required by 56 Fed. Reg. 35,718 (1991) (to be codified at 28 CFR 35.107) pursuant to Title II of the Americans With Disabilities Act of 1990 ("ADA") (42 U.S.C.A. 12131 et seq., (Supp. 1991)) for the purpose of resolving grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the designated coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Office of the Attorney General ("Office"), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Office to foster open communication with all individuals requesting

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

readily accessible programs, services and activities. The Office encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 125.20 Definitions

- a) A "grievance" is any complaint under the ADA by an individual with a disability who:
 - 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Office, and
 - 2) believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Office or has been subject to discrimination by the Office, on the basis of his or her disability.
- b) A "complainant" is an individual with a disability who files a grievance on the form set out in Appendix A of this Part.
- c) The "designated coordinator" is the person(s) appointed by the Attorney General who is/are responsible for the coordination of efforts of the Office to comply with and carry out its responsibilities under Title II of the ADA, including the investigation of grievances filed by complainants.

Section 125.30 Grievances

- a) The Office will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by this Part. A person who wishes to avail himself or herself of the formal procedure, however, may do so only by filing a grievance within 180 calendar days of the alleged discrimination in the form and manner prescribed in Section 125.40.
- b) The Office shall provide a copy of the grievance procedure and the required complaint form to anyone

NOTICE OF PROPOSED RULES

who requests it or expresses a desire to file a formal grievance.

Section 125.40 Manner of Filing

- a) The filing of a grievance is accomplished by the complainant's submission of a grievance in writing to the designated coordinator on the prescribed form. (See Appendix A.)
- b) In order to be deemed filed and to receive proper consideration by the designated coordinator, the grievance form must be completed in full except as otherwise indicated on the form. The designated coordinator will notify the complainant within ten business days of the receipt of the form if the filing is not complete. The Office will assist with completion of the grievance form upon request.

Section 125.50 Initial Response

The designated coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The designated coordinator shall provide a written response to the complainant and the Attorney General within ten (10) business days after receipt of the grievance form.

Section 125.60 Review

- a) If the grievance has not been resolved by the designated coordinator to the satisfaction of the complainant, the complainant may submit a copy of the grievance form and designated coordinator's response to the Attorney General for final review. The complainant shall submit these documents to the Attorney General, together with a short written statement explaining the reason(s) for dissatisfaction with the designated coordinator's written response, within five (5) business days after complainant's receipt of the designated coordinator's response. The Attorney General will extend the period for submitting the review request and supporting documents for up to ten (10) additional days upon complainant's request.
- b) The Attorney General shall appoint a three (3) member panel to review the grievance. One member so appointed shall be designated chairman.

NOTICE OF PROPOSED RULES

- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the designated coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) The panel shall make recommendations in writing to the Attorney General as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may also make a signed, written recommendation to the Attorney General.
- e) Upon receipt of recommendations from a panel, the Attorney General shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The Attorney General's decision shall be final. If the Attorney General disapproves or modifies the Panel's recommendations, the Attorney General shall include written reasons for such disapproval or modification.
- f) A complainant's failure to appeal the designated coordinator's response for review by the Attorney General within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given by the coordinator.

Section 125.70 Accessibility

The Office shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 125.80 Case-by-Case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements for, the benefits to be derived from, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

alteration to the program, service or activity or undue hardship on the Office. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

Section 125.Appendix A: Grievance Form

Grievance
Discrimination Based on Disability

It is the policy of the Office of the Attorney General to provide assistance in filling out this form. If assistance is needed, please ask:

ADA Coordinator - Office of the Attorney General
State of Illinois Center, 100 West Randolph
Chicago, Illinois 60601
(312) 814-7123 (Voice) (312) 814-3374 (TDD)

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone No.: _____

Program, Service, or Activity to which Access was Denied or in which Alleged Discrimination occurred: _____

Date of Alleged Discrimination: _____

Nature of Alleged Discrimination: _____

(Attach additional sheets, if necessary. If the grievance is based on a denial of requested reasonable modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature _____

Date _____

Please give to the ADA Coordinator at the address listed above.

For Office Use Only

Date Received: _____

By: _____

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

(BACK OF FORM)

Please fill out this part of the form if this grievance is based upon the denial of a requested reasonable modification. A reasonable modification will be made to make programs, services, and activities accessible. Reasonable modifications could include such things as providing auxiliary aides and devices and changing some policies and requirements to allow an individual with a disability to participate. This portion of the form should be filled in to the extent you know the answers. The form may be submitted even if this portion is incomplete.

Reasonable Modification Requested:

The Date the Reasonable Modification was Requested:

The Person to whom the Request was made:

The Reason for Denial:

Estimated Cost of Modification (If an Assistive Device, such as a TDD or Optical Reader, or Commodity or Service to which a Cost is Readily Known):

Why is the requested modification necessary to use or participate in the program, service, or activity?

Alternative modifications which may provide accessibility:

Any other information you believe will aid in a fair resolution of this grievance.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code. 450
- 3) Section number:

<u>Proposed Action:</u>	
450.10	New
450.20	New
450.30	New
450.40	New
450.50	New
450.60	New
450.70	New
- 4) Statutory Authority: Implementing and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16)

5) A Complete Description of the Subjects and Issues Involved:

The purpose of this rulemaking is to publish a grievance procedure which is being adopted by the Department pursuant to the provisions of the Americans With Disabilities Act.

6) Will this proposed rule replace an emergency rule currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed rule contain incorporations by reference? No.9) Are there any other proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Sharon Holliday
521 Stratton Office Building
Springfield, IL 62706
(217)782-0305

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

The full text of the Proposed Rules begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department, and
- 2) believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Department or has been subject to discrimination by the Department.

b) Complainant

A complainant is an individual with a disability who files a Grievance Form provided by the Department under this procedure.

c) Designated Coordinator

The Designated Coordinator is the person(s) appointed by the Department Director who is/are responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 35.107.

Section 450.30 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's last response.
- c) The Department shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

Section 450.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XV: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 450
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

- Section 450.10 Purposes
450.20 Definitions
450.30 Procedure
450.40 Designated Coordinator Level
450.50 Final Level
450.60 Accessibility
450.70 Case-by-case Resolution

AUTHORITY: Implementing and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16)

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 450.10 Purposes

- a) This ADA Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 USC Section 12101 et seq., ("ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.

- b) In general, the ADA requires that each program, service, and activity offered by the Department, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services, and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 450.20 Definitions

- a) Grievance
A grievance is any complaint under the ADA by an individual with a disability who:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- b) Upon request, assistance shall be provided by the Department to complete the Grievance Form.

- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Director within ten (10) business days after receipt of the Grievance Form.

Section 450.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director of the Department for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.

- b) The Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.

- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.

- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign such recommendation.

- e) Upon receipt of recommendations from a panel, the Director shall approve, disapprove or modify the Panel recommendations, shall render a decision thereon in writing, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the Panel recommendations, the Director shall include written reasons for such disapproval or modification.

- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

accordance with the State Records Act, 111. Rev. Stat. 1989, ch. 116, par. 43.3 et seq., or as otherwise required by law.

Section 450.60 Accessibility

The Department shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

Section 450.70 Case-by-case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefit to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 29, 1992
- B) Types of small businesses affected: Ginseng harvesters, persons having commercial licenses and permits and trapping licenses and Illinois stamps
- C) Reporting, bookkeeping or other procedures required for compliance:
The individual requesting the replacement should obtain from the vendor from which the original license was purchased, a copy (or the original) of the license or stamp application. If the application is unavailable, the individual may obtain an "Application for Replacement License" from any license vendor or the Department. An "Application for Replacement License" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application, or properly completed and notarized "Application for Replacement License," should then be forwarded with the \$3.00 fee per license or stamp to: Department of Conservation, Replacement License Section, 524 S. Second Street, Springfield, IL 62706. This section will then issue the replacement license and/or stamp(s).
- D) Types of professional skills necessary for compliance:
No professional skills are required.

THE FULL TEXT OF THE PROPOSED AMENDMENT BEGINS ON THE NEXT PAGE:

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENT

1) HEADING OF THE PART: Consignment of Licenses

2) CODE CITATION: 17 Ill. Adm. Code 2520

3) SECTION NUMBERS: PROPOSED ACTION:

Amendment

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39) and Section 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22 of the Fish Code of 1971 (Ill. Rev. Stat. 1991, ch. 56, pars. 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22), and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a35).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This amendment will afford the issuance of replacement commercial licenses/permits based on the cost to replace the license (\$3.00) and not the face value of the license.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? NO

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

- 8) DOES THIS PROPOSED AMENDMENT CONTAIN INCORPORATIONS BY REFERENCE? NO

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? NO

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

DEPARTMENT OF CONSERVATION

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER f: ADMINISTRATIVE SERVICESPART 2520
CONSIGNMENT OF LICENSES

Section	
2520.10	Consignment Requirements
2520.20	Issuing Licenses
2520.30	Terms
2520.40	Credit to Vendor Accounts
2520.50	Issuance of Replacement Hunting, Fishing and Trapping Licenses and Stamps

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code (Ill. Rev. Stat. ~~1999~~1991, ch. 61, pars. 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39) and Section 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22 of the Fish Code of 1971 (Ill. Rev. Stat. ~~1999~~1991, ch. 56, pars. 1.5, 5.1, 5.1a, 5.6, 5.8, 5.9 and 5.22), and the Civil Administrative Code of Illinois (Ill. Rev. Stat. ~~1999~~1991, ch. 127, par. 63a35).

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983, amended at 8 Ill. Reg. 5660, effective April 16, 1984, amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses and Stamps

- a) The Department will issue replacements for lost hunting, fishing, Sportsman's Combination, Ginseng harvester, commercial licenses and permits, trapping licenses and Illinois stamps. A fee of \$3.00 per license or stamp will be charged to defray the cost of handling.
- b) The Department will issue replacements at no cost when the Department loses the sportsman's hunting, fishing, Sportsman's Combination, Ginseng Harvester, or trapping licenses or stamps.
- c) The procedure for obtaining a replacement license is as follows:
 - 1) Individual loss - The individual requesting the

replacement should obtain from the vendor from which the original license was purchased, a copy (or the original) of the license or stamp application. If the application is unavailable, the individual may obtain an "Application for Replacement License" from any license vendor or the Department. An "Application for Replacement License" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application, or properly completed and notarized "Application for Replacement License," should then be forwarded with the \$3.00 fee per license or stamp to: Department of Conservation, Replacement License Section, 524 S. Second Street, Springfield, IL 62706. This section will then issue the replacement license and/or stamp(s).

- 2) Department loss - The Department location requesting the replacement should complete on agency letterhead a request for a replacement and forward the request to the Replacement License Section. The request should be completed in triplicate with one copy retained at the location and one copy given to the person whose license and/or stamp(s) were lost. This copy of the request will allow the person to hunt or fish in the interim between receiving a replacement. Information contained in the replacement request letter must include:
 - A) date of the letter;
 - B) indication that the letter may be used by the person in lieu of a license for up to 30 days from the date on the letter;
 - C) Department location requesting the replacement (including address and contact phone number);
 - D) the name, complete mailing address, county of residence, date of birth, height, weight, hair color, eye color and daytime phone number of the person receiving the replacement;
 - E) indication of what licenses and/or stamps need to be replaced
 - F) the printed or typed names and signatures and the date of signature of the authorized persons

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at the Department location issuing the
replacement letter and the location supervisor.

(Source: Amended at 16 Ill. Reg. _____, effective
_____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT

1) HEADING OF THE PART: Designation of Restricted Waters in the
State of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 2030

3) SECTION NUMBERS: PROPOSED ACTION:

2030.15
2030.20

Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections
5-7 and 5-12 of the Boat Registration and Safety Act (Ill.
Rev. Stat. 1991, ch. 95 1/2, pars. 315-7 and 315-7.5).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This rule provides procedures whereby the use of bodies of
water may be regulated for safety concerns. A public hearing
resulted in the entry of an order recommending restrictions
in Region I. The Department legal staff believes that the
public hearing requirement is outmoded.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY
IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY
REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no
impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT
ON THIS PROPOSED RULEMAKING: Comments on the proposed rule
may be submitted in writing for a period of 30 days following
publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not Applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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NOTICE OF PROPOSED AMENDMENTS

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER e: LAW ENFORCEMENT

PART 2030
DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

- Section
2030.10 General Regulations (Repealed)
2030.15 Designation of Restricted Waters by the Department of Conservation
2030.20 Region I - Designated Restricted Boating Areas
2030.30 Region II - Designated Restricted Boating Areas
2030.40 Region III - Designated Restricted Boating Areas
2030.50 Region IV - Designated Restricted Boating Areas
2030.60 Region V - Designated Restricted Boating Areas

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act (Ill. Rev. Stat. 1991, Ch. 95 1/2, pars. 315-7 and 315-7.5).

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendments at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendments at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. _____, effective _____.

Section 2030.15 Designation of Restricted Waters by the Department of Conservation

a) Areas will be considered for designation as restricted when the request for establishing a restricted area is made from outside the Department. Requests from outside the Department must:

- 1) Be accompanied by a minimum of 25 signatures of interested persons over the age of 18 who would be directly affected by the restriction.
- 2) Contain a detailed description of the area proposed

for restriction with appropriate maps and other supporting data.

b) All requests for the restricting of areas shall meet the following criteria:

- 1) Evidence indicates that a boating safety hazard presently exists; or
- 2) Evidence indicates a public safety concern exists relative to other water uses (e.g. swimming, skiing, etc.); or
- 3) Evidence indicates that a boating user conflict exists.

c) Consideration for protection of private property shall not be considered as appropriate criteria for restriction.

d) Procedures for processing requests for restrictions.

1) All requests will be forwarded to the Department of Conservation, Law Enforcement Division.

2) Department of Conservation, Law Enforcement Division will investigate the validity of the request in accordance with Section 2030.15(b) and forward a report and recommendation to the Director.

3) ~~If the investigation conducted by the Law Enforcement Division reveals that one or more criteria contained in Section 2030.15(b) are met, a public hearing will be held.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 2030.20 Region I - Designated Restricted Boating Areas

a) The following portions of the Rock River are designated as Slow, No Wake areas:

- 1) An area of the Rock River located at Moonlite Bay, 4 miles east of Sterling and 6 miles west of Dixon, Illinois.
- 2) The portion of the Rock River 1/4 mile above the dam

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at Oregon, Illinois, at the docking area at Lowden Memorial Park.

- 3) An area of the Rock River located at Joe's Marina, N. Second Street, Rockford, Illinois.
- 4) An area of the Rock River located at Martin Park, Loves Park, Illinois.
- 5) An area at the Rock River Boat Club, Colona, Illinois.

b) The following portions of the Fox River are designated as Slow, No Wake areas:

The portion of the Fox River between the Main Street bridge of the City of Ottawa and the mouth of the Fox River at the confluence of the Illinois River.

c) The following portions of the Illinois River are designated as Slow, No Wake areas:

- 1) The portion of the Illinois River from the Burlington Northern R. R. bridge in the City of Ottawa to the upstream side of the mouth of the Fox River.
- 2) The area of the Illinois River near the Spring Bay boat harbor at Spring Bay, Illinois.
- 3) An area of the Illinois River at the Woodford County Conservation area, 7 miles north of Spring Bay off Route 87.
- 4) An area of the Illinois River located at the Detweiller Marina, Peoria, Illinois.
- 5) An area of the Illinois River at Alfrisco Harbor, Peoria Heights, Illinois.
- 6) An area located at the Sobowski Marina, Peoria Heights, Illinois.
- 7) An area located at the Illinois Valley Yacht Club, Peoria Heights, Illinois.
- 8) An area at Henry, Illinois, on the west side of the River from Browns Landing to 300 yards north of the

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bridge.

- 9) The Lacon Boat Club Dock, Lacon, Illinois.
- 10) The boat harbor at Lacon, Illinois.
- 11) An area at the town of Hennepin and Spring Valley, Illinois.
- 12) An area at the South Shore Boat Club, Peru, Illinois.
- 13) The launching area at Starved Rock State Park.
- 14) The harbor of Starved Rock Marina, Ottawa, Illinois.
- 15) An area at the Starved Rock Yacht Club at Ottawa, Illinois.
- 16) The waters of the Illinois River beginning in front of the Pekin Boat Club launching ramp.

d) The following portions of the Mississippi River are designated as Slow, No Wake areas:

- 1) An area bordering the Savanna Park waterfront, extending from a jetty south of the Ritchie Boat Dock, north to a jetty north of the Kindell Marina.
- 2) An area in the vicinity of the boat dock and launching ramp at Loud Thunder Forest Preserve located 3 miles west of Andalusia.
- 3) An area in Vaeley Chute which runs through the Andalusia Islands located 4 miles west of Andalusia.
- 4) An area at the launching ramp and harbor of the Rock Island Boat Club located the foot of 18th Avenue in Rock Island.
- 5) An area at the harbor and boat ramp in front of the Legion Hall at Cordova, Illinois.
- 6) An area located at the boat ramps, City of Moline, between 26th Street and 34th Street and River Drive.
- 7) An area near the launching ramps and bathing beach at Keithsburg, Illinois.

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- 8) An area in the chute connecting Sturgeon Bay and the Mississippi River at New Boston, Illinois.
- 9) An area near the boat ramp and floating gas station at the end of Route 17 at New Boston.
- 10) An area at Shokohon, Illinois.
- 11) An area in the fish preserve lock and dam 19 at Hamilton, Illinois.
- 12) The public launching area 3 miles north above the dam at Hamilton.
- 13) An area 6 1/2 miles north of Hamilton, Illinois.
- 14) The waters of Harris Slough Mississippi River backwaters at the Galena Boat Club, 3 miles south of Galena, Illinois.
- 15) The waters encompassing the cut starting at the mouth of the cut on Deadman's Slough, then northward approximately 250 feet to the confluence of the Harris and Keohough Sloughs.

15-16) The backwater section of the Mississippi River (river mile marker 479.8) that starts at the Harbor opening of Potter's Lake, Sunset Park, Rock Island and covers the entire lake area.

16-17) The area of Cattail Slough off the Mississippi River, located south of Fulton, Whiteside County, 7/10 mile in length, 150 yards wide, starting on the north at the Chicago and Northwestern R. R. bridge and extending south 7/10 of a mile to the first narrows.

17-18) The waters of the south entrance to Chandler Slough lying upstream from the north boundary of the U.S. Fish and Wildlife Service property up to and including the Bent Prop Marina harbor area.

18-19) The waters of Frenress Lake lying upstream from the boat ramp at Charlies Boat Dock, including the adjacent sand pit harbor area.

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- 19-20) An area of the Mississippi River in the vicinity of the Lazy River Marina at Savanna, Illinois, extending from the upper limit of the dredge cut at Miller's Lake to a point north of the Miller's Hollow public launching ramp.
- 20-21) An area located at the Albany Marina, Albany Township, Whiteside County.
- 21-22) An area located at the Fulton Sandbar in Fulton Township, Whiteside County.
- e) The following waters of Region 1 shall be designated as restricted waters as described below:
- 1) NO BOATS
- A) The swimming area at Martin Park, Loves Park, Illinois.
- B) The swimming area at Albany Beach located in Albany Township.
- C) The swimming area at the Santa Fe Island bar, approximately 4 miles north of Savanna.
- D) The head of Big Island and 1 1/2 miles north of Oquawka, Illinois.
- E) The Boy Scout Camp located on Lake Cooper, Mississippi River.
- F) The swimming area located at Mississippi River Mile Marker 580, at the East Dubuque Sand Bar, East Dubuque, Illinois.
- G) The waters of the four chutes of Argyle Lake, approximately 2 miles north of Colchester, Illinois.
- H) The water 600 feet above and 150 feet below dams 12, 13, 14, 15, 16, 17 and 18 on the Mississippi River.
- 2) NO SKI - It shall be unlawful to water ski in the following designated waters:

That area of the inside cut of the Mississippi

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River, opening directly into Frenthees Lake, includes the area from the north to the south entrances from the river slough, inclusive, east of Mile Post 576.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Housing Discrimination
- 2) Code Citation: 71 Ill. Adm. Code 2300
- 3) Section Number:

2300.10	<u>Proposed Action:</u>
2300.30	New Section
2300.50	New Section
2300.70	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 68, pars. 3-101 through 3-106, 6-101, 7-101(A), 7B-101 through 7B-104, and 8B-101 through 8B-104.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules define "Act", "aid, abet, compel, or coerce", "Department", "private home", and "real estate transaction" as related to housing discrimination covered by the Illinois Human Rights Act. The proposed rules also describe an exemption from the Illinois Human Rights Act for rental of rooms to persons of one sex when substantial privacy interests are advanced, the dismissal procedure for refusal to accept a settlement offer, and the procedure for processing certain charges of housing discrimination.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments by filing a written notice of intent thereof, within 14 days of the date of this issue of the Illinois Register with:

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David T. Rothal
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
Telephone number: 312-814-4673
T.D.D.: 312-263-1579

Comments submitted by small businesses should be identified as such. Comments must be in writing and filed within 45 days of the date of this issue of the Illinois Register. If because of physical disability you are unable to put comments in writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 3, 1992.
- B) Types of Small Businesses affected: These proposed changes affect only those small businesses which are subject to jurisdiction under the Illinois Human Rights Act for civil rights violations in conjunction with real estate transactions, such as owners of real estate.
- C) Reporting, bookkeeping or other procedures required for compliance: The rules impose no burdens not already imposed by law.
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED RULES

TITLE 71: PUBLIC BUILDINGS,
FACILITIES, AND REAL PROPERTY
CHAPTER VII: DEPARTMENT OF HUMAN RIGHTS

PART 2300
HOUSING DISCRIMINATION

Section	Definitions
2300.10	Exemptions
2300.30	Dismissal for Refusal to Accept Settlement Offer
2300.50	Procedures
2300.70	

AUTHORITY: Implementing Articles III, VI, VIIIB and VIIIB, and authorized by Article VII, section 7-101(A) (Ill. Rev. Stat. 1989, ch. 68, pars. 3-101 through 3-106, 6-101, 7-101(A), 7B-101 through 7B-104, and 8B-101 through 8B-104).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 2300.10 Definitions

The following definitions shall apply to this part:

"Act": The Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, pars. 1-101 through 10-103).

"Aid, abet, compel or coerce": includes threatening, intimidating or interfering with the enjoyment of a housing accommodation because of unlawful discrimination.

"Department": Illinois Department of Human Rights.

"Private home": a housing accommodation containing living quarters occupied, or intended to be occupied, by no more than four families living independently of each other.

"Real estate transaction": includes the sale, exchange, rental or lease of real property; the brokering or appraising of residential real property; the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling or secured by residential real estate; access to or membership or participation in any multiple listing

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Expedited Corrections

2) Code Citation: 1 Ill. Adm. Code 245

3) Section Numbers: Proposed Action

245.100	New Section
245.110	New Section
245.120	New Section
245.130	New Section
245.140	New Section
EXHIBIT A	New Section
EXHIBIT B	New Section

4) Statutory Authority: Implementing and authorized by Section 7.01 (P.A. 87-830, effective January 17, 1992) and Section 7.09 (Ill. Rev. Stat. 1989, ch. 127, par. 1007.09) of the Illinois Administrative Procedure Act.

5) A Complete Description of the Subjects and Issues Involved: This proposed new Part implements the expedited correction process for administrative rules adopted by an agency and filed with the Secretary of State, authorized by Section 7.01 of the Illinois Administrative Procedure Act (IAPA), as amended by P.A. 87-830 (effective January 17, 1992). It outlines procedures whereby nonsubstantive correction of errors in adopted and filed Administrative Code text or adopted and filed rulemakings may be achieved without compliance with the 90 plus days adoption process otherwise required by Section 5.01 of the IAPA or emergency rulemaking pursuant to Section 5.02 of the IAPA. Agencies may request the Committee to certify a correction, the request to be reviewed by the Committee with the Committee granting certification based on the provisions in Section 7.01(b) of the IAPA and this Part. Agencies shall take reasonable measures to make administrative rule corrections known to the affected public.

6) Will this proposed rules replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Local governments are not required to establish, expand or modify their activities because of this rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed

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service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing accommodations.

Section 2300.30 Exemptions

It shall not be civil rights violation to restrict rental of rooms in a housing accommodation to persons of one sex to further important privacy interests, including housing used exclusively for dormitory facilities by educational institutions.

Section 2300.50 Dismissal for Refusal to Accept Settlement Offer
The Department may dismiss a charge pursuant to Section 7B-103(D) of the Act after a finding of substantial evidence, if complainant voluntarily agrees in writing to such dismissal.

Section 2300.70 Procedures

Procedures set forth in Articles VIIB and VIIIB of the Act shall be followed for the processing of any civil rights violation set out in Article VI alleging the following, if related to housing discrimination: retaliation for opposing unlawful discrimination, filing a charge or complaint, or for testifying, assisting or participating in an investigation, proceeding or hearing under this Act; aiding, abetting, compelling or coercing a person to commit a violation of the Act; or willfully interfering with the performance of a duty or the exercise of a power by the Human Rights Commission or one of its members or representatives or by the Department or one of its officers or employees.

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rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
Joint Committee on Administrative Rules
509 S. Sixth, Room 500
Springfield, Illinois 62701

- 12) Initial Regulatory Flexibility Analysis: This proposed rulemaking will not economically affect small businesses as that term is defined by Ill. Rev. Stat. 1989, ch. 127, par. 1003.10.

The full text of the Proposed Rulemaking begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE I: RULES AND RULEMAKING
CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 245
EXPEDITED CORRECTIONS

Section
245.100
245.110
245.120
245.130
245.140
EXHIBIT A
EXHIBIT B

Definitions
Expedited Corrections - Submission to Committee
Committee Review
Committee Certification
Public Notice
Certificate of Correction
Certificate of Failure to Meet the Requirements of Section 7.01(b) of the Illinois Administrative Procedure Act

AUTHORITY: Implementing and authorized by Section 7.01 (P.A. 87-830, effective January 17, 1992) and Section 7.09 (Ill. Rev. Stat. 1989, ch. 127, par. 1007.09) of the Illinois Administrative Procedure Act.

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 245.100 Definitions

"Act" means the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.).

"Administrative Code Division" or "Code Division" means the unit of the Office of the Secretary of State that publishes the Illinois Administrative Code and the Illinois Register and with which rules are filed.

"Agency" means each type of entity enumerated in Section 3.01 of the Act that is authorized by law to make rules or to determine contested cases.

"Committee" means the Joint Committee on Administrative Rules, created by Section 7.02(a) of the Act.

"Director" means the Executive Director of the Joint Committee.

"Expedited Correction" means a correction of the text of a rule adopted by an agency and filed with the Secretary of State, effectuated pursuant to Section 7.01(b) of the Act and this Part.

"Illinois Administrative Code" means the complete text of all rules adopted by State agencies and filed with the Administrative Code Division.

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"Illinois Register" means the weekly publication of the Administrative Code Division authorized by Section 6.01 of the Act.

"Rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, informal advisory rulings issued pursuant to Section 9 of the Act, intra-agency memoranda or the prescription of standardized forms, that affects the private rights or procedures available to persons or entities outside the agency (Ill. Rev. Stat. 1989, ch. 127, par. 1003.09).

"Rulemaking" means the process by which agencies propose, adopt, amend or repeal rules pursuant to Section 5 of the Act.

Section 245.110 Expedited Corrections - Submission to Committee

- a) An agency may request the Committee to issue a Certificate of Correction with respect to an adopted rule filed with the Secretary of State. The certificate shall authorize changes in rule text to address:
 - 1) nonsubstantive errors, such as typographical, clerical, grammatical, printing, copying, or other inadvertent errors, such as omission of existing or inclusion of previously repealed Illinois Administrative Code text;
 - 2) any omissions or errors that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register or second notice rule text; or
 - 3) any discrepancies between adopted rule text and agreements certified by the Committee during the second notice period. (Section 7.01(b) of the Act)
- b) Agency requests for a Certificate of Correction shall be in writing and shall be clearly identified as a Request for Correction. Requests shall be submitted to the Director at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street, Room 500
Springfield, Illinois 62701
- c) Agency requests for a Certificate of Correction shall include the following information:
 - 1) the name of the agency;
 - 2) the title and Illinois Administrative Code citation of the affected rule;
 - 3) the date and page number of the Illinois Register in which the first notice of the rulemaking that gave rise to the agency request for Certificate of Correction was published and of the Illinois Register in which the rulemaking was adopted;
 - 4) the full text of the affected Section(s), indicating both the incorrect text and the agency's proposal for correction, in

accordance with 1 Ill. Adm. Code 100.420(c);

- 5) an explanation of the reasons listed in subsection (a) that apply;
- 6) an explanation of how the public interest will be served and no hardship created by correction of the error cited by the agency, information verifying that the public notice considerations of the Act are not unduly circumvented, and a description of the measures taken and to be taken by the agency to make the Request for Correction and Certificate of Correction known to persons affected by the rule; and
- 7) the name, address and telephone number of the agency representative who will respond to Committee questions regarding the Request for Correction.

d) If a Request for Correction does not meet the requirements of subsection (c) above, no action shall be taken to certify the correction until the agency has, pursuant to a request from the Committee, provided the additional or clarified information.

Section 245.120 Committee Review

- a) Upon receipt of a Request for Correction that meets the requirements of Section 245.110(c), the Committee shall:
 - 1) notify the agency and Administrative Code Division that the Request for Correction meets the requirements of Section 245.110(c), and provide a copy of the Request for Correction to the Administrative Code Division for publication in the Illinois Register;
 - 2) review the Request;
 - 3) question the agency if necessary; and
 - 4) recommend modifications to the specific corrective language proposed by the agency, if necessary.
- b) The Committee shall consider the Request for Correction at its next meeting; except that, if a Request for Correction that adequately meets the requirements of Section 245.110(c) is received fewer than 14 days prior to the meeting date, the Committee may choose to defer its consideration until the following meeting.

Section 245.130 Committee Certification

- a) Certification of Correction
 - 1) If the Committee finds that a Request for Correction meets the criteria of Section 7.01(b) of the Act and this part, then the Committee shall issue a Certificate of Correction in the manner shown in Exhibit A of this part. Such certification shall be mailed to the agency within 5 working days following the Committee meeting. If the Committee determines the Request for Correction does not meet the criteria of Section 7.01(b) of the Act and this part, then the Committee shall issue a Certificate of Failure to Meet the Requirements of Section 7.01(b) of the

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Illinois Administrative Procedure Act in the manner shown in Exhibit B of this Part. Such certificate shall be mailed to the Administrative Code Division within 5 working days following the Committee meeting.

- 2) The agency shall file one original and 4 copies of the corrective language, showing the entire text of the affected sections, for the Illinois Register and one original and 2 copies for inclusion in the Administrative Code. The filing must be accompanied by the Certificate of Correction.
- 3) Failure of the Committee to issue a Certificate of Correction does not prevent an agency from pursuing the proposed corrections through further rulemaking under the Act.
- b) The effective date determined pursuant to Section 7.01(b) of the Act shall be indicated on the Certificate of Correction.

Section 245.140 Public Notice

Agencies are required by Section 7.01(b) of the Act to take reasonable and appropriate measures to make rule corrections known to parties affected by the corrections. Such measures may include, but are not limited to:

- (a) issuance of press releases;
- (b) issuance of bulletins to affected trade organizations, vendors, constituency groups, etc.;
- (c) announcement at public hearings conducted by the agency;
- (d) announcement in agency publications, newsletters, etc.; and
- (e) individual contact with affected parties.

The Committee shall also include notice of an expedited correction in any summary of rulemaking activity that it may prepare for the public at large.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Section 245. EXHIBIT A Certificate of Correction

Joint Committee on Administrative Rules

CERTIFICATE OF CORRECTION
TO ADOPTED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its (meeting date) meeting, considered the (agency's) request for correction of errors in (heading of the Part; Code citation) created by the adoption of rules at (Illinois Register citation). After consideration, the Joint Committee certifies that the corrective language, effective (agreed effective date), attached to this document meets the requirements and serves the purposes of Section 7.01(b) of the Illinois Administrative Procedure Act.

(Meeting Date)

(Typewritten name)
Executive Director

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED RULES

Section 245. EXHIBIT B Certificate of Failure to Meet the Requirements of
Section 7.01(b) of the Illinois Administrative Procedure Act

Joint Committee on Administrative Rules

CERTIFICATE OF FAILURE TO MEET THE REQUIREMENTS OF SECTION 7.01(b)
OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

This is to certify that the Joint Committee on Administrative Rules, at its
(meeting date) meeting, considered the (agency's) request for correction of
errors in (heading of the Part; Code citation) created by the adoption of rules
at (Illinois Register citation). After consideration, the Joint Committee
certifies that the proposed corrective language fails to meet the requirements
of Section 7.01(b) of the Illinois Administrative Procedure Act.

(Meeting Date)

(Typewritten name)
Executive Director

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED RULE(S)

- 1) The Heading of the Part: Americans With Disabilities Act Grievance
Procedure
2) Code Citation: 2 Ill. Adm. Code 1052

Section Number:	Proposed Action:
1052.10	New Section
1052.20	New Section
1052.30	New Section
1052.40	New Section
1052.50	New Section
1052.60	New Section
1052.70	New Section
1052.80	New Section
1052 Appendix A	New Section

- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans
With Disabilities Act of 1990 (42 USC 12131-12134) as specified in Title
II regulations (28 CFR 35.107) and authorized by the Illinois Explosives
Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 1-5001).

- 5) A complete description of the subjects and issues involved:

Section 1052.10: identifies the applicability of the grievance rules.
Section 1052.20: states the purposes of the rules.

Section 1052.30: defines applicable terms.

Section 1052.40: establishes a procedure for initiating a grievance
under the ADA.

Section 1052.50: establishes a procedure for initial departmental
review of such a grievance.

Section 1052.60: establishes a procedure for final departmental review
of such a grievance.

Section 1052.70: requires the Department to provide access to this
procedure to all individuals with qualified disabilities.

Section 1052.80: states that resolution of grievances will be on a
case-by-case basis.

Section 200 Appendix A: adopts a grievance form upon which such
grievances must be submitted

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference?
No

- 9) Are there any other amendments pending on this Part?
No

DEPARTMENT OF MINES AND MINERALS

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10) Statement of Statewide Policy Objectives:

These rules changes are intended to conform to the requirement of the Americans with Disabilities Act and in particular Section 35.107 of the Title II federal regulations promulgated to enforce the requirements of that act as it applies to state agencies.

11) Time, Place, and Manner in which interested persons may comment on proposed rulemaking:
Written comments may be submitted within 45 days of the publication of this notice to:

John C. Lynch, General Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on Monday, March 30, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 30, 1992
- B) Types of small businesses affected:
None
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance:
None

The full text of the Proposed Rules begins on the next page.

ILLINOIS REGISTER

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED RULE(S)

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE D: CODE DEPARTMENT

CHAPTER XV: DEPARTMENT OF MINES AND MINERALS

PART 1052

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Applicability
1052.10	Purposes
1052.20	Definitions
1052.30	Procedure
1052.40	ADA Coordinator Level
1052.50	Final Level
1052.60	Accessibility
1052.70	Case-by-case Resolution
1052.80	APPENDIX A Grievance Form

AUTHORITY: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107) and authorized by the Illinois Explosives Act Ill. Rev. Stat. 1989, ch. 96 1/2, par. 1-5001).

SOURCE: Adopted at ____ Ill. Reg. ____, effective ____.

Section 1052.10 Applicability

This Part applies to all offices of the Illinois Department of Mines and Minerals.

Section 1052.20 Purposes

- a) This Grievance Procedure ("Procedure") is established pursuant to the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq. ("ADA"), and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities.
- b) In general the ADA requires that each program, service and activity offered by the Department, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for

DEPARTMENT OF MINES AND MINERALS

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modifications before they become grievances.

Section 1052.30 Definitions

- a) "ADA Coordinator" means the person appointed by the Department who is responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants.
- b) "Complainant" means an individual with a disability who files a Grievance Form provided by the Department under the procedure established herein.
- c) "Department" means the Illinois Department of Mines and Minerals.
- d) "Grievance" means any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department, and believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Department or has been subject to discrimination by the Department.
- e) "Grievance Form" means the form, as provided in Appendix A to this Part, that is required to be completed and submitted to the Department by a complainant to properly maintain a grievance under this Part.

Section 1052.40 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may only be extended by mutual agreement in writing by the complainant and the ADA Coordinator, at the ADA Coordinator Level, or the complainant and panel chairperson at the Final Level.
- b) A complainant's failure to submit a grievance or appeal a grievance to the next level of procedure as provided in this Part and within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's final response.
- c) Upon being informed by an individual that the individual desires to file a formal grievance, the Department shall provide the individual with a copy of this procedure and the Grievance Form.

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Section 1052.50 ADA Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the ADA Coordinator in writing on the Grievance Form. The Grievance Form must be completed in full in order to receive proper consideration by the ADA Coordinator.
 - b) Upon request, assistance shall be provided by the Department to complete the Grievance Form.
 - c) The ADA Coordinator, or representative of the ADA Coordinator, shall investigate the grievance and shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the Complainant within ten (10) business days after receipt of the Grievance Form.
- Section 1052.60 Final Level
- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the Complainant, the Complainant may submit a copy of the Grievance Form and ADA Coordinator's response to the Director of the Department for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the ADA Coordinator's written response, within five (5) business days after receipt by the complainant of the ADA Coordinator's response.

- b) The Director shall appoint a 3-member panel to review the grievance at the final level. One member so appointed shall be designated chairperson of the panel. The ADA Coordinator, and any representative of the ADA Coordinator who conducted the investigation at the ADA Coordinator Level, may not be a member of the panel.
- c) The Complainant shall be afforded an opportunity to appear before the panel. The complainant shall have a right to appoint any person as representative to appear on the Complainant's behalf before the panel. Such appearance before the panel shall be an informal meeting to discuss the matter at issue. At the informal meeting any panel member shall, in the member's discretion, receive and review any statement or written submission and ask any question the member deems relevant. The panel shall review the ADA Coordinator's written response and the statement of dissatisfaction and may conduct interviews and seek advice, other than from the ADA

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Coordinator, and consider any statements or written submissions offered at the informal meeting as it deems appropriate.

- d) The panel shall render a decision on the basis of a majority vote and shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the panel members concurring in the panel's decision. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign such recommendation.
- e) Upon receipt of recommendations from the panel, the Director shall approve, disapprove or modify the Panel recommendations, rendering a decision thereon in writing that states the basis for the decision, and cause a copy of the decision to be served on the complainant. If the Director disapproves or modifies the Panel recommendations, the Director shall in the written decision state the reasons for such disapproval or modification. The Director's decision shall be the final decision of the Department on the grievance.
- f) The Grievance Form, the ADA Coordinator's response the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in accordance with the State Records Act, Ill. Rev. Stat. 1989, ch. 116, par. 43.3 et seq., or as otherwise required by law.

Section 1052.70 Accessibility

The Department shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities. The ADA Coordinator shall keep on file a copy of the ADA and its regulations for review at the Department's offices by any individual who requests to review them. The ADA Coordinator, or representative of the ADA Coordinator, shall be available on reasonable notice to answer questions with respect to the rights, privileges and remedies afforded by the ADA and its regulations.

Section 1052.80 Case-by-case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainant should rely.

DEPARTMENT OF MINES AND MINERALS

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Section 1052.APPENDIX A Grievance Form

State of Illinois
Department of Mines and Minerals
Grievance
Discrimination Based on Disability

It is the policy of the Department of Mines and Minerals to provide assistance in filling out this form. If assistance is needed, please ask.

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone No.: _____ Voice _____ TDD _____

Best Means and Time for Contacting: _____

Program, Service, or Activity to which access was Denied or in which Alleged Discrimination occurred: _____

Date of Alleged Discrimination: _____

Nature of Alleged Discrimination: _____

(Attach additional sheets, if necessary. If the grievance is based on a denial of a requested reasonable modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature _____ Date _____

Please give to the ADA Coordinator.

For Office Use Only

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Date Received: _____ By: _____

IL FORM NUMBER (DATE) _____

(BACK OF FORM)

Please fill out this part of the form if this grievance is based on the denial of a requested reasonable modification. A reasonable modification will be made to make programs, services, and activities accessible. Reasonable modification could include such things as providing auxiliary aides and devices and changing some policies and requirements to allow an individual with a disability to participate. This form should be filled in to the extent you know the answers. It may be submitted even if incomplete.

Reasonable modification requested:

The date the reasonable modification was requested:

The person to whom the request was made:

The reason for the denial:

Estimated cost of modification (If an assistive device, such as a TDD or optical reader, or commodity or service to which a cost is readily known):

Why is the requested modification necessary to use or participate in the program, service, or activity?

Alternative modifications which may provide accessibility:

Any other information you believe will aid in a fair resolution of this grievance:

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Heading of the Part: UNDERGROUND STORAGE TANKS

Code Citation: 35 Ill. Adm. Code 731

Section Numbers: Proposed Action:

- | | |
|----------------|-------------|
| 731.110 | Amended |
| 731.111 | Repealed |
| 731.112 | Amended |
| 731.113 | Repealed |
| 731.114 | Amended |
| 731.120 | Amended |
| 731.121 | Amended |
| 731.122 | Repealed |
| 731.131 | Repealed |
| 731.132 | Repealed |
| 731.133 | Repealed |
| 731.134 | Repealed |
| 731.140 | Repealed |
| 731.141 | Repealed |
| 731.142 | Repealed |
| 731.143 | Repealed |
| 731.144 | Repealed |
| 731.145 | Repealed |
| 731.151 | Repealed |
| 731.152 | Repealed |
| 731.153 | Repealed |
| 731.161 | Repealed |
| 731.162 | Repealed |
| 731.170 | Repealed |
| 731.171 | Repealed |
| 731.172 | Repealed |
| 731.173 | Repealed |
| 731.174 | Repealed |
| 731.190 | Repealed |
| 731.191 | Repealed |
| 731.192 | Repealed |
| 731.193 | Repealed |
| 731.194 | Repealed |
| 731.195 | Repealed |
| 731.196 | Repealed |
| 731.197 | Repealed |
| 731.198 | Repealed |
| 731.199 | Repealed |
| 731.200 | Repealed |
| 731.202 | Repealed |
| 731.203 | Repealed |
| 731.204 | Repealed |
| 731.205 | Repealed |
| 731.206 | Repealed |
| 731.207 | Repealed |
| 731.208 | Repealed |
| 731.209 | Repealed |
| 731.210 | Repealed |
| 731.211 | Repealed |
| 731.Appendix A | Amended |
| 731.Appendix C | New Section |

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4(d) and 1027, as amended by P.A. 87-323.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R91-14, on January 9 and 23, 1992. Copies of the Proposed Opinions are available from the address below.

Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(d)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement underground storage tank (UST) portions of the Resource Conservation and Recovery Act. The USEPA regulations are found at 40 CFR 280. The equivalent Board regulations are in 35 Ill. Adm. Code 731.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(d) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991. However, P.A. 87-323 requires the Board to repeal most of its UST rules, including the Sections which would have been affected by the few USEPA amendments. This Update is therefore driven entirely by the changes in statutory authority in P.A. 87-323.

The first area of change is the reduction in the scope of the Board rules so that they will govern only corrective action activities (and notification). This involves repeal of all of the existing Board rules in this Part, except for Subpart F, which will be retained, along with related general provisions in Subpart A, and Appendices, and the notification requirement in Section 731.122.

The second area of change is the increase in the scope of the Board rules to include certain heating oil USTs, as mandated by Section 22.4(d) of the Act. This is accomplished by the addition of Section 731.110(e) to the applicability statement, and revision of some of the definitions in Section 731.112.

As proposed, the applicability statement uses the definitions of "heating oil" and "heating oil underground storage tank" from P.A. 87-323. The proposed rules are applicable to owners and operators of an "underground storage tank serving other than farms or residential units that is used exclusively to store heating oil for consumptive use on the premises where stored", regardless of the size of the tank. Consistent with the mandate of Section 22.4(d) of the Act, the 110 gallon exclusion of Section 731.110(b)(4) would not apply.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. Following amendment, this Part will incorporate only federal regulations by reference. Section 22.4(d) of the Act provides that Section 5 of the Administrative Procedure

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Act shall not apply.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(d) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may own or operate underground storage tanks containing petroleum, heating oil or hazardous substances.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R91-14 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 10 and 24, 1992.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which own or operate underground storage tanks containing petroleum, heating oil or hazardous substances. In addition, the rules indirectly affect small businesses involved in the testing and installation of underground storage tanks, and in removal and remediation of tanks which have leaked.

C) Reporting, bookkeeping or other procedures required for compliance:

POLLUTION CONTROL BOARD

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The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. The proposal eliminates all of these except for notification of the existence of a UST, and except for reporting and procedures associated with corrective action. However, these procedures are now applicable to owners and operators of heating oil USTs.

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

PART 731

UNDERGROUND STORAGE TANKS

SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section
731.101
731.102
731.103
731.110
731.111
731.112
731.113
731.114

Definitions and exemptions (Repealed)
Interim prohibitions (Repealed)
Notification Requirements (Repealed)
Applicability
Interim Prohibition for Deferred Systems (Repealed)
Definitions
Incorporations by Reference
Implementing Agency (Repealed)

SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

Section
731.120
731.121
731.122

Performance Standards for New Systems (Repealed)
Upgrading of Existing Systems (Repealed)
Notification Requirements

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section
731.130
731.131
731.132
731.133
731.134

Spill and Overfill Control (Repealed)
Operation and Maintenance of Corrosion Protection (Repealed)
Compatibility (Repealed)
Repairs Allowed (Repealed)
Reporting and Recordkeeping (Repealed)

SUBPART D: RELEASE DETECTION

Section
731.140
731.141
731.142
731.143
731.144
731.145

General Requirements for all Systems (Repealed)
Petroleum Systems (Repealed)
Hazardous Substance Systems (Repealed)
Tanks (Repealed)
Piping (Repealed)
Recordkeeping (Repealed)

SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

Section
731.150
731.151

Reporting of Suspected Releases (Repealed)
Investigation due to Off-site Impacts (Repealed)

POLLUTION CONTROL BOARD

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731.152 Release Investigation and Confirmation (Repealed)
731.153 Reporting and Cleanup of Spills and Overfills
(Repealed)

SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

Section
731.160 General
731.161 Initial Response
731.162 Initial Abatement Measures and Site Check
731.163 Initial Site Characterization
731.164 Free Product Removal
731.165 Investigations for Soil and Groundwater Cleanup
731.166 Corrective Action Plan
731.167 Public Participation

SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

Section
731.170 Temporary Closure (Repealed)
731.171 Permanent Closure and Changes-in-Service (Repealed)
731.172 Assessing Site at Closure or Change-in-Service
(Repealed)
731.173 Previously Closed Systems (Repealed)
731.174 Closure Records (Repealed)

SUBPART H: FINANCIAL RESPONSIBILITY

Section
731.190 Applicability (Repealed)
731.191 Compliance Dates (Repealed)
731.192 Definitions (Repealed)
731.193 Amount and Scope of Required Financial
Responsibility (Repealed)
731.194 Allowable Mechanisms and Combinations (Repealed)
731.195 Financial Test of Self-insurance (Repealed)
731.196 Guarantee (Repealed)
731.197 Insurance or Risk Retention Group Coverage
(Repealed)
731.198 Surety Bond (Repealed)
731.199 Letter of Credit (Repealed)
731.200 UST State Fund (Repealed)
731.201 Trust Fund (Repealed)
731.202 Standby Trust Fund (Repealed)
731.203 Substitution of Mechanisms (Repealed)
731.204 Cancellation or Nonrenewal by Provider (Repealed)
731.205 Reporting (Repealed)
731.206 Recordkeeping (Repealed)
731.207 Drawing on Financial Assurance (Repealed)
731.208 Release from Financial Assurance Requirement
(Repealed)
731.209 Bankruptcy or other Incapacity (Repealed)
731.210

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731.211 Replenishment (Repealed)
731.900 Incorporation by reference (Repealed)
731.901 Compliance Date (Repealed)

Appendix A Notification Form

Appendix C Statement for Shipping Tickets and Invoices

AUTHORITY: Implementing and authorized by Ill. Rev. Stat. 1989,
ch. 111 1/2, pars. 1022.4, 1022.13 and 1027 (Sections 22.4(d),
22.13(d) and 27 of the Environmental Protection Act).

SOURCE: Adopted in R86-1 at 10 Ill. Reg. 14175, effective August
12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March
24, 1987; amended in R88-27 at 13 Ill. Reg. 9519, effective June
12, 1989; amended in R89-4 at 13 Ill. Reg. 15010, effective
September 12, 1989; amended in R89-10 at 14 Ill. Reg. 5797,
effective April 10, 1990; amended in R89-19 at 14 Ill. Reg.
9454, effective June 4, 1990; amended in R90-3 at 14 Ill. Reg.
11964, effective July 10, 1990; amended in R90-12 at 15 Ill.
Reg. 6527, effective April 22, 1991; amended in R91-2 at 15 Ill.
Reg. 13800, effective September 10, 1991; amended in R91-14 at
16 Ill. Reg. , effective .

NOTE: Capitalization denotes statutory language.

SUBPART A: PROGRAM SCOPE AND
INTERIM PROHIBITION

Section 731.110 Applicability

a) This Part applies to owners and operators of an
Underground Storage Tank (UST) system as defined in
Section 731.112 except as otherwise provided in
subsections (b) ~~7(e) or (d)~~. ~~Any UST system listed in~~
~~subsection (e) must meet the requirements of Section~~
~~731.111 or (c).~~

b) The following UST systems are excluded from the
requirements of this Part:

- 1) Any UST system holding hazardous waste or a
mixture of such hazardous waste and other
regulated substances.
- 2) Any wastewater treatment tank system that is part
of a wastewater treatment facility regulated under
Section 12(f) of the Environmental Protection Act
(Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1012(f)).

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"HEATING OIL" MEANS PETROLEUM THAT IS NO. 1, NO. 2, NO. 4 LIGHT, NO. 4 HEAVY, NO. 5 LIGHT, NO. 5 HEAVY, OR NO. 6 TECHNICAL GRADES OF FUEL OIL; OTHER RESIDUAL FUEL OILS INCLUDING NAVY SPECIAL FUEL OIL AND BUNKER C. (Section 22.18(e)(1)(H) of the Act)

"HEATING OIL UNDERGROUND STORAGE TANK" OR "heating oil UST" MEANS AN UNDERGROUND STORAGE TANK SERVING OTHER THAN FARMS OR RESIDENTIAL UNITS THAT IS USED EXCLUSIVELY TO STORE HEATING OIL FOR CONSUMPTIVE USE ON THE PREMISES WHERE STORED. (Section 22.18(e)(1)(I) of the Act)

"Heating oil" means petroleum that is No. 1, No. 2, No. 4 light, No. 4 heavy, No. 5 light, No. 5 heavy, or No. 6 technical grades of fuel oil; other residual fuel oils including Navy Special Fuel Oil and Bunker C.

"Heating oil underground storage tank" means an underground storage tank serving other than farms or residential units that is used exclusively to store heating oil for consumptive use on the premises where stored.

"On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used.

"pipe" or "piping" is as defined in Section 731.112.

"Regulated substance" is as defined in Section 731.112.

"Tank" is as defined in Section 731.112.

"Underground storage tank" ("UST") is means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface of the ground.

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3) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

4) Any UST system whose capacity is 110 gallons or less.

5) Any UST system that contains a de minimus concentration of regulated substances.

6) Any emergency spill or overflow containment UST system that is expeditiously emptied after used.

c) Deferrals. ~~Subparts B, C, D, E and G of Section 731.122~~ does not apply to any of the following types of UST systems:

1) Wastewater treatment tank systems;

2) Any UST systems containing radioactive materials that are regulated by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

3) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A, incorporated by reference in Section 731.113;

4) Airport hydrant fuel distribution systems; and

5) UST systems with field-constructed tanks.

d) ~~Deferrals. Subpart D does not apply to any UST system that stores fuel solely for use by emergency power generators.~~

e) Heating oil USTs.

1) Definitions. The following definitions apply to this subsection only:

"Beneath the surface of the ground" is as defined in Section 731.112.

"Consumptive use" with respect to heating oil means consumed on the premises.

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- 2.) Subsections (a) - (c) notwithstanding, THIS PART APPLIES TO OWNERS AND OPERATORS OF ANY HEATING OIL UST. (Section 22.4(d)(5) of the Act)

- 3.) The owner or operator of a heating oil UST shall comply with the same requirements as the owner or operator of a "petroleum UST", as defined in Section 731.112, any other provisions of this Part notwithstanding.

BOARD NOTE: This subsection implements Section 22.4(d)(5) of the Act, which requires that this Part be applicable to "heating oil USTs", as that term is defined in Section 22.18(e) of the Act. However, that and related terms are used in a manner which is inconsistent with the definitions and usage in this Part. The definitions used in this applicability statement are therefore limited to this subsection.

(Source: Amended at 16 Ill. Reg. , effective)

Section 731.111 Interim Prohibition for Deferred Systems (Repealed)

- a) ~~No person shall install an UST system listed in Section 731.110(e) for the purpose of storing regulated substances unless the UST system (whether of single or double wall construction):~~

- 1) ~~Will prevent releases due to corrosion or structural failure for the operational life of the UST system;~~
- 2) ~~Is cathodically protected against corrosion, constructed of noncorroding material, steel clad with a noncorroding material, or designed in a manner to prevent the release or threatened release of any stored substance; and~~
- 3) ~~Is constructed or lined with material that is compatible with the stored substance.~~

- b) ~~Notwithstanding subsection (a), an UST system without corrosion protection may be installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners and operators shall maintain records that demonstrate compliance with the requirements of this~~

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~~subsection for the remaining life of the tank.~~

~~BOARD NOTE: NACE RP0285, incorporated by reference in Section 731.112, may be used as guidance for compliance with this subsection.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.112 Definitions

"Aboveground release" means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of an UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any devices including, but not limited to, such devices as piping, fittings, flanges, valves and pumps used to distribute, meter or control the flow of regulated substances to and from an UST.

"Belowground release" means any release to the subsurface of the land and to groundwater. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

"Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

"Board" means the Illinois Pollution Control Board.

"Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed

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conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

"Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

"ESDA" means the Illinois Emergency Services and Disaster Agency.

"Excavation zone" means the volume containing the tank system and backfill material bounded by the ground surface, wall and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Existing tank system" means a tank system used to contain an accumulation of regulated substances or for which installation has commenced on or before December 22, 1988. Installation is considered to have commenced if:

the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system;

And, if either:

A continuous on-site physical construction or installation program has begun; or,

The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction at the site or installation of the tank system to be completed within a reasonable time.

"Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations.

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current.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential and component electrical isolation measurements of buried metal piping and tank systems.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.)

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

"Connected piping" means all underground piping including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems must be allocated equally between them.

"Consumptive use" with respect to heating oil means consumed on the premises. BOARD NOTE: For "consumptive use" see Section 731.110(e).

"Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Dielectric material" means a material that does not

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"Fire Marshal" means the Office of the State Fire Marshal.

"Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

"Free product" refers to a regulated substance that is present as a nonaqueous liquid phase (e.g., liquid not dissolved in water.)

"Gasoline Storage Act" means ~~"An Act To Regulate The Storage, Transportation, Sale And Use Of Gasoline And Volatile Oils"~~, as amended (Ill. Rev. Stat. 19879, ch. 127 1/2, par. 151 et seq.) as amended by P.A. 87-323.

"Gathering lines" means any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Hazardous substance" means any substance listed in 40 CFR 302.4, incorporated by reference in Section 731.113 (but not including any substance regulated as a hazardous waste under 35 Ill. Adm. Code 721).

BOARD NOTE: This definition is derived from the definition of "hazardous substance UST system" in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, and "hazardous substance" in Section 101(14) of CERCLA. The United States Environmental Protection Agency (USEPA) regulations which implement the statutes cited in CERCLA have been inserted in place of the authorizing statutes.

"Hazardous substance UST system" means an underground storage tank system that contains a "hazardous substance", or any mixture of "hazardous substances" and "petroleum" which is not a "petroleum UST system".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting

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terms defined elsewhere in this Section.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4--light, No. 4--heavy, No. 5--light, No. 5--heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); or other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

BOARD NOTE: For the applicability of these rules to heating oil USTs, see Section 731.110(e).

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevator and other similar devices.

~~"Implementing agency". See Section 731.114.~~

"Liquid trap" means sumps, well cellars and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants), for the purpose of collecting oil, water and other liquid. These liquid traps may temporarily collect liquids for subsequent disposition for reinjection into a production or pipeline stream, or may collect and separate liquids from gas stream.

~~"Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing product.~~

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol, and is typically used in the operation of a motor engine.

"New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988. (See also "Existing Tank System.")

"Noncommercial purposes" with respect to motor fuel means not for resale.

~~"On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used. BOARD NOTE: For~~

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37194, September 23, 1988.

"Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of "petroleum" with de minimus quantities of other "regulated substances".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting terms defined elsewhere in this Section.

"Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of non-earthen materials.

"Pipeline facilities (including gathering lines)" are new and existing pipe rights-of-way and any associated equipment, facilities or buildings.

"Regulated substance" means any "hazardous substance" or "petroleum".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting terms defined elsewhere in this Section.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into groundwater, surface water or subsurface soils.

~~"Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.~~

~~"Repair" means to restore a tank or UST system component that has caused a release of product from the UST system.~~

"Residential tank" is a tank located on property used primarily for dwelling purposes.

"Septic tank" is a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from

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the definition of "on the premises where stored", see Section 731.110(e).

~~"operational life" refers to the period beginning when installation of the tank system has commenced until the time the tank system is properly closed under Subpart G.~~

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"overflow release" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means:

In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; and

In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

"person" means an individual, trust, firm, joint stock company, federal agency, corporation, state, unit of local government, commission, political subdivision of a state or any interstate body. Person, also includes a consortium, a joint venture, a commercial entity and the United States Government.

"petroleum" means crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). The term "petroleum" includes, but is not limited to, petroleum and petroleum-based substances comprising a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

BOARD NOTE: This definition is derived from the definitions of "petroleum UST system" and "regulated substance" in 40 CFR 280.12, as adopted at 53 Fed. Reg.

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such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Storm water or wastewater collection system" means piping, pumps, conduits and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

"Surface impoundment" is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

"Underground area" means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

"Underground release" means any below-ground release.

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface of the ground. Such term does not include any:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

~~Tank used for storing heating oil for consumptive use on the premises where stored. BOARD NOTE: For the applicability of these rules to heating oil~~

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tanks, see Section 731.110(e).
Septic tank.

Pipeline facility (including gathering lines) regulated under:

The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A. 1671 et seq. (1987 and 1987 Supp.)), or

The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C.A. 2001 et seq. (1987)), or

The Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 551 et seq.).

Surface impoundment, pit, pond or lagoon.

Storm-water or wastewater collection system.

Flow-through process tank.

Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations. Or,

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor.

The term "underground storage tank" does not include any pipes connected any tank which is described in the above subparagraphs.

~~"Upgraded" means the addition or retrofit of some systems such as cathodic protection, lining or spill and overfill controls to improve the ability of an underground storage tank system to prevent the release of product.~~

"USEPA" means United States Environmental Protection Agency.

"UST system" or "Tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

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"Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical or biological methods.

(Source: Amended at 16 Ill. Reg. , effective).

Section 731.113 Incorporations by Reference

a) The following publications are incorporated by reference:

ACT. Available from the Association for Composite Tanks, 108 N. State St., Suite 720, Chicago, IL 60602, (800) 368-2105+.

ACT-100/98, "Specification for the Fabrication of FRP Clad/Composite Underground Storage Tanks", revised March 16, 1988

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300+

See ASME.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000+

API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", Second Edition, December 1987

API Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fourth Edition, November, 1987

API Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets", Fourth Edition, December, 1987

API Recommended Practice 1626, "Storage and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations", First Edition, April, 1985

API Recommended Practice 1627, "Storage and

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Handling of Gasoline-Methanol/Gasolvent Blends at Distribution Terminals and Service Stations", First Edition, August, 1986

API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Second Edition, December, 1987

API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Second Edition, December, 1987

API Publication 2015, "Cleaning Petroleum Storage Tanks", Third Edition, September, 1985

API Publication 2200, "Repairing Crude Oil-liquified Petroleum Gas, and Product Pipelines", Second Edition, April, 1983

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722+

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400+

ASTM D4031-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks", approved July 25, 1986.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535+

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NACE Standard Recommended Practice RP0169-837
"Control of External Corrosion on Underground
or Submerged Metallic Piping Systems",
Revised January, 1983

NACE Standard Recommended Practice RP0285-857
"Control of External Corrosion on Metallic
Buried, Partially Buried, or Submerged Liquid
Storage Systems", Approved March, 1985

NFPA. Available from the National Fire Protection
Association, Batterymarch Park, Boston, MA 02269,
(617) 770-3000 or (800) 344-3555.

NFPA-30, "Flammable and Combustible Liquids
Code", issued July 17, 1987. Also available
from ANSI.

NFPA-385, "Tank Vehicles for Flammable and
Combustible Liquids", issued December 77
1984. Also available from ANSI.

NIOSH. Available from the National Institute for
Occupational Safety and Health, Publications
Office, 4676 Columbia Parkway, Cincinnati, OH
45226 (513) 533-8287.

NIOSH Publication No. 80-106, "Criteria for a
Recommended Standard . . . Working in a Confined
Space", December, 1979
PEI, Petroleum Equipment Institute, Box 2380,
Tulsa, OK 74101-918/ 743-9941.

PEI/RP100-87, "Recommended Practices for
Installation of Underground Liquid Storage
Systems", 1987 Edition

STI. Available from the Steel Tank Institute, 728
Anthony Trail, Northbrook, IL 60062, (312) 498-
1980.

STI-P3, "Specification and Manual for
External Corrosion Protection of Underground
Steel Storage Tanks", effective May 1, 1987.

STI, "Standard for Dual Wall Underground
Steel Storage Tanks" (1986).

UL. Underwriters Laboratories, Inc., Publications

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Steel, 333 Pfingsten Road, Northbrook, IL 60062-
2096 312/ 272-8800, extension 2612 or 2622.

UL-58-1985, "Standard for Steel
Underground Tanks for Flammable and
Combustible Liquids", Eighth Edition, April
15, 1986. Also available from ANSI.

UL-567-1983, "Standard for Pipe Connectors
for Flammable and Combustible Liquids and LP-
Gas", Fifth Edition, March 12, 1984, as
revised September 30, 1985. Also available
from ANSI.

UL-1316, "Standard for Glass-Fiber Reinforced
Plastic Underground Storage Tanks for
Petroleum Products", First Edition, July 17
1983, as revised April 29, 1986 and March 37
1987

UL-Canada. Underwriters Laboratories of Canada,
7 Creuse Rd., Scarborough, Ontario M1R 3A9
CANADA, 416/ 757-3611.

UL-Canada Standard CAN4-S603-M05, "Standard
for Steel Underground Tanks for Flammable and
Combustible Liquids", First Edition, June,
1985.

UL-Canada Standard CAN4-S603-1-M05, "Standard
for Galvanic Corrosion Protection Systems for
Steel Underground Tanks for Flammable and
Combustible Liquids", First Edition, June,
1985.

UL-Canada Standard CAN4-S615-M03, "Standard
for Reinforced Plastic Underground Tanks for
Petroleum Products", First Edition, February,
1983.

UL-Canada Standard CAN4-S631-M04, "Standard
for Isolating Bushings for Steel Underground
Tanks Protected With Coatings and Galvanic
Systems", First Edition, May, 1984.

UL-Canada Standard CAN4-S633-M04, "Flexible
Underground Hose Connectors for Flammable and
Combustible Liquids", First Edition, June,
1984.

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UL-Canada Subject C107C-M1984, "Guide for Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable Liquids", First Edition, June, 1984.

b)al CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

- 10 CFR 50, Appendix A (1990)
- 40 CFR 280.3 (1987) (repealed September 23, 1988)
- 40 CFR 302.4, 302.5 and 302.6 (1990) (1991)
- 40 CFR 355.40 (1990)

e)bl This Section incorporates no later editions or amendments.

(Source: Amended at 16 Ill. Reg. , effective)

Section 731.114 Implementing Agency (Repealed)

- a) ~~The implementing agency is the Fire Marshal or the Agency, as specified in this part.~~
- b) ~~Generally the Agency is the implementing agency for corrective action beyond immediate response. The Fire Marshal is the implementing agency for all other aspects of the program.~~

(Source: Repealed at 16 Ill. Reg. , effective)

SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

Section 731.120 Performance Standards for New Systems (Repealed)

~~In order to prevent releases due to structural failure, corrosion or spills and overfills for as long as the UST system is used to store regulated substances, owners and operators of new UST systems shall meet the following requirements.~~

- a) ~~Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains product~~

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must be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

- 1) ~~The tank is constructed of fiberglass-reinforced plastic, or~~

~~BOARD NOTE: The following industry codes, incorporated by reference in Section 731.113, may be used to comply with this subsection: UL-1316, UL-Canada Standard CAN4-S615, or ASTM D4021.~~

- 2) ~~The tank is constructed of steel and cathodically protected in the following manner:~~

- A) ~~The tank is coated with a suitable dielectric material;~~
- B) ~~Field-installed cathodic protection systems are designed by a corrosion expert;~~
- C) ~~Impressed current systems are designed to allow determination of current operating status as required in Section 731.131(e);~~
- D) ~~Cathodic protection systems are operated and maintained in accordance with Section 731.131, or~~
~~BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.113, may be used to comply with this subsection: SPI-P27, UL-1746, UL-Canada Standard CAN4-S603, CAN4-S603-1 and CAN4-S631; NACE RP0295 or UL-58.~~

- 3) ~~The tank is constructed of a steel-fiberglass-reinforced plastic composite, or~~
~~BOARD NOTE: The following industry codes, incorporated by reference in Section 731.113, may be used to comply with this subsection: UL-1746 or ACP-100.~~

- 4) ~~The tank is constructed of metal without additional corrosion protection measures provided that:~~

- A) ~~The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life; and~~

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- B) Owners and operators maintain records that demonstrate compliance with the requirements of subsection (a)(4)(A) for the remaining life of the tank.

b) Piping. The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

- 1) The piping is constructed of fiberglass-reinforcing plastic, or

BOARD NOTE: The following codes and standards incorporated by reference in Section 731.113, may be used to comply with this subsection: UL 567, UL Canada Subject C107C, UL Canada Standard CAN4-S633.

- 2) The piping is constructed of steel and cathodically protected in the following manner:

- A) The piping is coated with a suitable dielectric material;

- B) Field installed cathodic protection systems are designed by a corrosion expert;

- C) Impressed current systems are designed to allow determination of current operating status as required in Section 731.131(e);

- D) Cathodic protection systems are operated and maintained in accordance with Section 731.121, or

BOARD NOTE: The following codes and standards incorporated by reference in Section 731.113, may be used to comply with this subsection: NPPA 307, API Recommended Practice 1615, API Recommended Practice 1632, NACE RP0169.

- 3) The piping is constructed of metal without additional corrosion protection measures provided that:

- A) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and

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- B) Owners and operators maintain records that demonstrate compliance with the requirements of subsection (b)(3)(A) for the remaining life of the piping, or

BOARD NOTE: NPPA 30 and NACE RP0169, incorporated by reference in Section 731.113, may be used to comply with this subsection.

- e) Spill and overfill prevention equipment.

- 1) Except as provided in subsection (e)(2), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators shall use the following spill and overfill prevention equipment:

- A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

- B) Overfill prevention equipment that will:

- i) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

- ii) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high level alarm.

- 2) Owners and operators are not required to use the spill and overfill prevention equipment specified in subsection (e)(1) if the UST system is filled by transfers of no more than 25 gallons at one time.

- d) Installation. All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

BOARD NOTE: Tank and piping system installation practices and procedures described in the following codes, incorporated by reference in Section 731.113, may be used to comply with the requirements of this subsection: API Recommended Practice 1615, PEI/RP100, or ANSI/ASME B31.3 and

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B31-4-

~~1) Certification of installation. All owners and operators shall ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with subsection (d) by providing a certification of compliance on the UST notification form in accordance with Section 731.122.~~

- ~~1) The installer has been certified by the tank and piping manufacturers, or~~
- ~~2) The installer has been certified or licensed by the Fire Marshal; or~~
- ~~3) The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or~~
- ~~4) The installation has been inspected and approved by the Fire Marshal; or~~
- ~~5) All work listed in the manufacturer's installation checklist has been completed.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.121 Upgrading of Existing Systems (Repealed)

~~a) Alternatives allowed. Not later than December 22, 1998, all existing UST systems must comply with one of the following requirements:~~

- ~~1) New UST system performance standards under Section 731.120;~~
- ~~2) The upgrading requirements in subsections (b) through (d); or~~
- ~~3) Closure requirements under Subpart C, including applicable requirements for corrective action under Subpart F.~~

~~b) Tank upgrading requirements. Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:~~

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~~1) Interior lining. A tank may be upgraded by internal lining if:~~

- ~~A) The lining is installed in accordance with the requirements of Section 731.133, and~~
- ~~B) Within 10 years after lining, and every 5 years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.~~

~~2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Section 731.120(a)(2)(B), (C) and (D) and the integrity of the tank is ensured using one of the following methods:~~

- ~~A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system; or~~
- ~~B) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with Section 731.143(d) through (h); or~~
- ~~C) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two (2) tightness tests that meet the requirements of Section 731.143(e). The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between three (3) and six (6) months following the first operation of the cathodic protection system.~~

~~3) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:~~

- ~~A) The lining is installed in accordance with the requirements of Section 731.133; and-~~
- ~~B) The cathodic protection system meets the requirements of Section 731.120(a)(2)(B), (C) and (D);~~

~~BOARD NOTE: The following codes and standard~~

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~~incorporated by reference in Section 731.113, may be used to comply with this Section. API Recommended Practice 1631, NACE RP0285 and, API Recommended Practice 1622.~~

~~e) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet the requirements of Section 731.120(b)(2)(B), (C) and (D).~~

~~BOARD NOTE: The codes and standards listed in the note following Section 731.120(b)(2) may be used to comply with this requirement.~~

~~d) Spill and overfill prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overfill prevention equipment requirements specified in Section 731.120(e).~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.122 Notification Requirements

a) Any owner who brings an underground storage tank system into use after May 8, 1986, shall within 30 days of bringing such tank into use, submit, in the form prescribed in Appendix A, a notice of existence of such tank system to the Fire Marshal.

BOARD NOTE: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the Fire Marshal in accordance with RCRA and 40 CFR 280.3 (1987), unless notice was given pursuant to 40 CFR 302.6, incorporated by reference in Section 731.113. Section 4(b)(1) of the Gasoline Act (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 156(b)(1)) required notification by December 31, 1987, for tanks which held regulated substances after January 1, 1974. Owners and operators who have not complied with the notification requirements may use portions I through VI of the notification form contained in Appendix A.

c) Owners required to submit notices under subsection (a)

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shall provide notices to the Fire Marshal for each tank they own. Owners may provide notice for several tanks using one notification form, but owners who own tanks located at more than one place of operation shall file a separate notification form for each separate place of operation.

d) Notices required to be submitted under subsection (a) must provide all of the information in Sections I through VI of the form for each tank for which notice must be given. Notices for tanks installed after December 22, 1988, must also provide all of the information in Section VII of the prescribed form for each tank for which notice must be given.

e) All owners and operators of new UST systems shall certify in the notification form compliance with the following requirements:

- 1) Installation of tanks and piping under Section 731.120(e);
- 2) Cathodic protection of steel tanks and piping under Section 731.120(a) and (b);
- 3) Financial responsibility under Subpart H; and
- 4) Release detection under Sections 731.141 and 731.142.

f) All owners and operators of new UST systems shall ensure that the installer certifies in the notification form that the methods used to install the tanks and piping complies with the regulatory requirements in Section 731.120(f).

g) Beginning October 24, 1988, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of such tank of the owner's notification obligations under subsection (a). The form provided in Appendix C may be used to comply with this requirement.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section 731.130 Spill and Overfill Control (Repealed)

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- a) Owners and operators shall ensure that releases due to spilling or overfilling do not occur. The owner and operator shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

BOARD NOTE: The transfer procedures described in NFPA 385, incorporated by reference in Section 731.133, may be used to comply with this subsection. Further guidance on spill and overfill prevention appears in API Recommended Practice 1621 and NFPA Standard 30.

- b) The owner and operator shall report, investigate and clean up any spills and overfills in accordance with Section 731.153.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.131 Operation and Maintenance of Corrosion Protection (Repealed)

All owners and operators of steel UST systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

- a) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.
- b) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:
 - 1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter; and
 - 2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this Section must be in accordance with a code of practice developed by a nationally recognized association.

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BOARD NOTE: NACE RP0285, incorporated by reference in Section 731.133, may be used to comply with subsection (b)(2).

- e) UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.
- f) For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained in accordance with Section 731.134 to demonstrate compliance with the performance standards in this Section. These records must provide the following:

- 1) The results of the last three inspections required in subsection (c); and
- 2) The results of testing from the last two inspections required in subsection (b).

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.132 Compatibility (Repealed)

Owners and operators shall use an UST system made of or lined with materials that are compatible with the substance stored in the UST system.

BOARD NOTE: Owners and operators storing alcohol blends may use the following codes, incorporated by reference in Section 731.133, to comply with the requirements of this Section: API Recommended Practice 1626 and 1627.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.133 Repairs Allowed (Repealed)

Owners and operators of UST systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

- a) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

BOARD NOTE: The following codes and standards, incorporated

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by reference in Section 731.113, may be used to comply with this subsection; NPPA 30, API Publication 2200, and API Recommended Practice 1631.

- b) Repairs to fiberglass reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.
- c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.
- d) Repaired tanks and piping must be tightness tested in accordance with Section 731.143(e) and Section 731.144(b) within 30 days following the date of the completion of the repair except as follows:

- 1) The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory; or
- 2) The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in Section 731.143(d) through (h).
- e) Within 6 months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with Section 731.131(b) and (c) to ensure that it is operating properly.
- f) UST system owners and operators shall maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this Section.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.134 Reporting and Recordkeeping [Repealed]

Pursuant to Section 4(d) of the Act and Section 4(d) of the Gasoline Act (Ill. Rev. Stat. 1987, ch. 127-1/2, par. 154(d)), owners and operators of UST systems shall cooperate fully with inspections, monitoring and testing conducted by the Fire Marshal or Agency, as well as requests for document submission, testing and monitoring by the owner or operator.

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a) Reporting. Owners and operators shall submit the following information to the Fire Marshal or Agency:

- 1) Notification for all UST systems (Section 731.122), which includes certification of installation for new systems (Section 731.120(e));
 - 2) Reports of all releases including suspected releases (Section 731.150), spills and overfills (Section 731.153), and confirmed releases (Section 731.161);
 - 3) Corrective actions planned or taken including initial abatement measures (Section 731.162), initial site characterization (Section 731.163), free product removal (Section 731.164), investigation of soil and groundwater cleanup (Section 731.165), and corrective action plan (Section 731.166); and
 - 4) A notification before permanent closure or change in service (Section 731.171).
- b) Recordkeeping. Owners and operators shall maintain the following information:
- 1) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (Section 731.120(a)(4) and (b)(3)).
 - 2) Documentation of operation of corrosion protection equipment (Section 731.131).
 - 3) Documentation of UST system repairs (Section 731.133(f)).
 - 4) Recent compliance with release detection requirements (Section 731.145), and
 - 5) Results of the site investigation conducted at permanent closure (Section 731.174).
- e) Availability and Maintenance of Records. Owners and operators shall keep the records required either:
- 1) At the UST site and immediately available for inspection by the Fire Marshal or Agency; or
 - 2) At a readily available alternative site and be provided for inspection to the Fire Marshal or Agency upon request.

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BOARD NOTE: In the case of permanent closure records required under Section 731.174, owners and operators are also provided with the additional alternative of mailing closure records to the Fire Marshal if they cannot be kept at the site or an alternative site as indicated above.

(Source: Repealed at 16 Ill. Reg. , effective)

SUBPART D: RELEASE DETECTION

Section 731.140 General Requirements for all Systems (Repealed)

a) Owners and operators of new and existing UST systems shall provide a method, or combination of methods, of release detection that:

- 1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product;
- 2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and
- 3) Meets the performance requirements in Sections 731.142 or 731.144, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used after December 22, 1990, except for methods permanently installed prior to that date, must be capable of detecting the leak rate or quantity specified for that method in Section 731.142(b), (c) and (d) or Section 731.144(a) and (b), with a probability of detection of 0.95 and a probability of false alarm of 0.05.

b) When a release detection method operated in accordance with the performance standards in Section 731.142 and 731.144 indicates a release may have occurred, owners and operators shall notify ESDA in accordance with Subpart E.

c) Owners and operators of UST systems shall comply with the release detection requirements of this Subpart in accordance with the following schedule:

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1) For all pressurized piping as defined in Section 731.141(b)(1), by December 22, 1990.

2) For tanks and suction piping in accordance with Section 731.141(a), 731.141(b)(2) and 731.142 for tanks:

- A) With an unknown installation date, by December 22, 1989.
- B) Installed before 1965, by December 22, 1989.
- C) Installed in 1965 through 1969, by December 22, 1990.
- D) Installed in 1970 through 1974, by December 22, 1991.
- E) Installed in 1975 through 1979, by December 22, 1992.
- F) Installed in 1980 through December 22, 1988, by December 22, 1993.
- G) Installed after December 22, 1988, immediately upon installation.

d) Any existing UST system that cannot apply a method of release detection that complies with the requirements of this Subpart must complete the closure procedures in Subpart G by the date on which release detection is required for that UST system under subsection (c).

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.141 Petroleum Systems (Repealed)

Owners and operators of petroleum UST systems shall provide release detection for tanks and piping as follows:

a) Tanks. Tank must be monitored at least every 30 days for releases using one of the methods listed in Section 731.142(d) through (h) except that:

- 1) UST systems that meet the performance standards in Section 731.120 or Section 731.121, and the monthly inventory control requirements in Section 731.143(a) or (b), may use tank tightness testing (conducted in accordance with Section 731.143(c)) at least every 5

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years until December 22, 1998 or until 10 years after the tank is installed or upgraded under Section 731.121(b), whichever is later.

2) UST systems that do not meet the performance standards in Section 731.120 or 731.121, may use monthly inventory controls (conducted in accordance with Section 731.143(a) or (b)) and annual tank tightness testing (conducted in accordance with Section 731.143(e)) until December 22, 1998, when the tank must be upgraded under Section 731.121 or permanently closed under Section 731.171, and

3) Tanks with capacity of 550 gallons or less may use weekly tank gauging (conducted in accordance with Section 731.143(b)).

b) Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one of the following requirements:

1) Pressurized piping. Underground piping that conveys regulated substances under pressure must:

A) Be equipped with an automatic line leak detector conducted in accordance with Section 731.144(a) and

B) Have an annual line tightness test conducted in accordance with Section 731.144(b) or have monthly monitoring conducted in accordance with Section 731.144(e).

2) Suction piping. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every 3 years and in accordance with Section 731.144(b), or use a monthly monitoring method conducted in accordance with Section 731.144(e). No release detection is required for suction piping that is designed and constructed to meet the following standards:

A) The below-grade piping operates at less than atmospheric pressure;

B) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

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e) Only one check valve is included in each suction line;

D) The check valve is located directly below and as close as practical to the suction pump; and

E) A method is provided that allows compliance with subsections (b) (2) (B) through (b) (2) (D) to be readily determined.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.142 Hazardous Substance Systems (Repealed)

Owners and operators of hazardous substance UST systems shall provide release detection that meets the following requirements:

a) Release detection at existing UST systems must meet the requirements for petroleum UST systems in Section 731.141. By December 22, 1998, all existing hazardous substance UST systems must meet the release detection requirements for new systems in subsection (b).

b) Release detection at new hazardous substance UST systems must meet the following requirements:

1) Secondary containment systems must be designed, constructed and installed to:

A) Contain regulated substances released from the tank system until they are detected and removed;

B) Prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

C) Be checked for evidence of a release at least every 30 days.

BOARD NOTE: 35 Ill. Adm. Code 725.293 may be used to comply with these requirements.

2) Double-walled tanks must be designed, constructed and installed to:

A) Contain a release from any portion of the inner tank within the outer wall; and

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4) Deliveries are made through a drop tube that extends to within one foot of the tank bottom.

5) Product dispensing is metered and recorded within an accuracy of 6 cubic inches for every 5 gallons of product withdrawn; and

BOARD NOTE: Metering of petroleum products is regulated by the Illinois Department of Agriculture pursuant to Sections 9 and 43 of the Weights and Standards Act (Ill. Rev. Stat. 1987, ch. 147 pars. 108 and 143) and 8 Ill. Adm. Code 600.120 and 600.650 et seq. In that these regulations do not specify the accuracy of metering, owners or operators need to obtain an independent certification of meter accuracy prior to using this Section.

6) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month.

BOARD NOTE: Practices described in the API Recommended Practice 1621, incorporated by reference in Section 731.113, may be used, where applicable, as guidance in meeting the requirements of this subsection.

b) Manual tank gauging. Manual tank gauging must meet the following requirements:

1) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;

2) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;

3) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;

4) A leak is suspected and subject to the requirements of Subpart F if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Weekly Monthly Standard
Nominal Tank Standard (Average of

B) Detect the failure of the inner wall.

3) External liners (including vaults) must be designed, constructed and installed to:

A) Contain 100 percent of the capacity of the largest tank within its boundary;

B) Prevent the interference of precipitation of groundwater intrusion with the ability to contain or detect a release of regulated substances; and

C) Surround the tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances).

4) Underground piping must be equipped with secondary containment that satisfies the requirements of subsection (b)(1) (e.g., trench liners, jacketing of double-walled pipe). In addition, underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector in accordance with Section 731.144(a).

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.143 Tanks (Repealed)

Each method of release detection for tanks used to meet the requirements of Section 731.141 must be conducted in accordance with the following:

a) Inventory control. Product inventory control (or another test of equivalent performance) must be conducted monthly to detect a release of at least 1.0 percent of flow through plus 130 gallons on a monthly basis in the following manner:

1) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;

2) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;

3) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;

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Capacity (One Test) Four Tests)
(Gallons) (Gallons) (Gallons)

550 or less 105
551 to 1000 137
1001 to 2000 2613

- 5) Only tanks of 550 gallons or less nominal capacity may use this as the sole method of release detection. Tanks of 551 to 2,000 gallons may use the method in place of manual inventory control in Section 731.143(a). Tanks of greater than 2,000 gallons nominal capacity must not use this method to meet the requirements of this Subpart.

e) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation and the location of the water table.

d) Automatic tank gauging. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

- 1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product, and
- 2) Inventory control (or another test of equivalent performance) is conducted in accordance with the requirements of Section 731.143(a).

e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

- 1) The materials used as backfill are sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area;
- 2) The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the

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tank;

- 3) The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall or soil moisture or other known interferences so that a release could go undetected for more than 30 days;
 - 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
 - 5) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system;
 - 6) In the UST excavation zone, the site is assessed to ensure compliance with subsection (c)(1) through (c)(4) and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product; and
 - 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
- f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater must meet the following requirements:
- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;
 - 2) Groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the soils between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec. (e.g., the soil must consist of gravels, coarse to medium sands, coarse silts or other permeable materials);
 - 3) The slotted portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
 - 4) Monitoring wells must be sealed from the ground surface to the top of the filter pack;

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- 5) ~~Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible~~
 - 6) ~~The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells~~
 - 7) ~~Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsection (f)(1) through (f)(5) and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product and~~
 - 8) ~~Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering~~
 - 9) ~~Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:~~
 - 1) ~~For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product~~
- ~~BOARD NOTE: The provisions outlined in SUI, "Standard for Dual Wall Underground Storage Tanks", incorporated by reference in Section 731.113, may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.~~
- 2) ~~For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier~~
 - 3) ~~The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (at most 0.00001 cm/sec (ten to the minus six) for the regulated substance stored) to direct a release to the monitoring point and permit its detection~~

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- B) ~~The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected~~
- C) ~~For cathodically protected tanks, the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system~~
- D) ~~The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days~~
- E) ~~The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions and~~
- F) ~~Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering~~
- G) ~~For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored~~
- H) ~~Other methods, any other type of release detection method, or combination of methods, can be used if:~~
 - 1) ~~It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05 or~~
 - 2) ~~The Fire Marshal shall approve by permit condition another method if the owner and operator demonstrates that the method can detect a release as effectively as any of the methods allowed in subsection (e) through (h). In comparing methods, the Fire Marshal shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the Fire Marshal on its use to ensure the protection of human health and the environment~~

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(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.144 Piping (Repealed)

Each method of release-detection for piping used to meet the requirements of Section 731.141 must be conducted in accordance with the following--

- a) ~~Automatic line-leak detectors. A method which alerts the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if it detects leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements.~~
- b) ~~Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.~~
- c) ~~Applicable tank methods. Any of the methods in Section 731.143(e) through (h) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.145 Recordkeeping (Repealed)

All UST system owners and operators shall maintain records in accordance with Section 731.134 demonstrating compliance with all applicable requirements of this Subpart. These records must include the following:

- a) ~~All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, must be maintained for 5 years;~~
- b) ~~The results of any sampling, testing or monitoring must be maintained for at least 1 year, except that the results of tank tightness testing conducted in accordance with Section 731.143(e) must be retained until the next test is conducted; and~~
- e) ~~Written documentation of all calibration, maintenance and~~

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repair of release-detection equipment permanently located on-site must be maintained for at least one year after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for 5 years from the date of installation.

(Source: Repealed at 16 Ill. Reg. , effective)

SUBPART E: RELEASE REPORTING,
INVESTIGATION AND CONFIRMATION

Section 731.150 Reporting of Suspected Releases (Repealed)

Owners and operators of UST systems shall report to the ESDA within 24 hours and follow the procedures in Section 731.152 for any of the following conditions:

- a) ~~The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines or nearby surface water);~~
- b) ~~Usual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced; and~~
- e) ~~Monitoring results from a release-detection method required under Section 731.141 and Section 731.142 that indicate a release may have occurred unless--~~
 - 1) ~~The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or~~
 - 2) ~~In the case of inventory control, a second month of data does not confirm the initial result.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.151

Investigation due to Off-site Impacts
(Repealed)

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When required by the Fire Marshal, owners and operators of UST systems shall follow the procedures in Section 731.152 to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines or nearby surface and drinking waters) that has been observed by the Fire Marshal or brought to its attention by another person. The Fire Marshal shall require such an investigation by way of a letter or an oral order followed by a written confirmation.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.152 Release Investigation and Confirmation (Repealed)

Unless corrective action is initiated in accordance with Subpart F, owners and operators shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under Section 731.150 within 7 days, using the following steps:

- a) ~~System test. Owners and operators shall conduct tests according to the requirements for tightness testing in Section 731.143(c) and Section 731.144(b) that determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping, or both.~~
 - 1) ~~Owners and operators shall repair, replace or upgrade the UST system, and begin corrective action in accordance with Subpart F if the test results for the system, tank or delivery piping indicate that a leak exists.~~
 - 2) ~~Further investigation is not required if the test results for the system, tank and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.~~
 - 3) ~~Owners and operators shall conduct a site check as described in subsection (b) if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.~~
- b) ~~Site check. Owners and operators shall measure for the~~

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presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners and operators shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater and other factors appropriate for identifying the presence and source of the release.

- 1) ~~If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators shall begin corrective action in accordance with Subpart F.~~
- 2) ~~If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.153 Reporting and Cleanup of Spills and Overfills (Repealed)

- a) ~~Owners and operators of UST systems shall contain and immediately clean up a spill or overfill and report to the Fire Marshal within 24 hours, and begin corrective action in accordance with Subpart F in the following cases:~~
 - 1) ~~Spill or overfill of petroleum that results in a release to the environment that exceeds 25 gallons, or that causes a sheen on nearby surface water; and~~
 - 2) ~~Spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under 40 CFR 302.4 and 302.57 incorporated by reference in Section 731.113.~~
- b) ~~Owners and operators of UST systems shall contain and immediately clean up a spill or overfill of petroleum that is less than 25 gallons, and a spill or overfill of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, owners and operators shall immediately notify RSDM.~~

BOARD NOTE: Under 40 CFR 302.6 and 355.40, incorporated by reference in Section 731.113, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24

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~~hours) to the National Response Center (800/424-8802). In addition, 35 Ill. Adm. Code 750.410 requires notification of the ESDA (800/782-7860).~~

(Source: Repealed at 16 Ill. Reg. , effective)

SUBPART F: RELEASE RESPONSE AND
CORRECTIVE ACTION

Section 731.161

Initial Response

Upon confirmation of a release ~~in accordance with Section 731.152~~ or after a release from the UST system is identified in any other manner, owners and operators shall perform the following initial response actions within 24 hours of a release:

- a) Report the release to the ESDA (e.g., by telephone or electronic mail);
- b) Take immediate action to prevent any further release of the regulated substance into the environment; and
- c) Identify and mitigate fire, explosion and vapor hazards.

(Source: Amended at 16 Ill. Reg. , effective)

Section 731.162

Initial Abatement Measures and Site Check

- a) Owners and operators shall perform the following abatement measures:

- 1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment;
- 2) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the released substance into surrounding soils and groundwater;
- 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into substance structures (such as sewers or basements);

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- 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator shall comply with 35 Ill. Adm. Code 722, 724, 725, 807 and 809.

- 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check ~~required by Section 731.152(b)~~ or the closure site assessment ~~of Section 731.172(a)~~. In selecting sample types, sample locations and measurement methods, the owner and operator shall consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

- 6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 731.164.

- b) Within 20 days after release confirmation, owners and operators shall submit a report to the Agency, summarizing the initial abatement steps taken under subsection (a) and any resulting information or data.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART G: OUT-OF-SERVICE SYSTEMS
AND CLOSURE

Section 731.170

Temporary Closure (Repealed)

- a) ~~When an UST system is temporarily closed, owners and operators shall continue operation and maintenance of corrosion protection in accordance with Section 731.131, and any release detection in accordance with Subpart D. Subparts E and F must be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total~~

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capacity of the UST system, remain in the system--

- b) When an UST system is temporarily closed for 3 months or more, owners and operators shall also comply with the following requirements:

- 1) Leave vent lines open and functioning, and
- 2) Cap and secure all other lines, pumps, manways and ancillary equipment.
- e) When an UST system is temporarily closed for more than 12 months, owners and operators shall permanently close the UST system if it does not meet either performance standards in Section 731.120 for new UST systems or the upgrading requirements in Section 731.121, except that the spill and overfill equipment requirements do not have to be met. Owners and operators shall permanently close the standard UST systems at the end of this 12-month period in accordance with Section 731.171 through Section 731.174.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.171 Permanent Closure and Changes-in-service (Repealed)

- a) At least 30 days before beginning either permanent closure or a change in service under subsections (b) or (c), owners and operators shall notify the Fire Marshal of their intent to permanently close or make the change in service, unless such action is in response to corrective action. The required assessment of the excavation zone under Section 731.172 must be performed after notifying the Fire Marshal but before completion of the permanent closure or a change in service.

- b) To permanently close a tank, owners and operators shall empty and clean it by removing all liquids and accumulated sludges. All tanks taken out of service permanently must also be either removed from the ground or filled it with an inert solid material.

- e) Continued use of an UST system to store a non-regulated substance is considered a change in service. Before a change in service, owners and operators shall empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment in accordance with Section 731.172.

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BOARD NOTE: The following cleaning and closure procedures incorporated by reference in Section 731.113, may be used to comply with this Section: API Recommended Practice 1604, API Publication 2015, API Recommended Practice 1631. NIOSH Publication No. 80-106 may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.172 Assessing Site at Closure or Change-in-Service (Repealed)

- a) Before permanent closure or a change in service is completed, owners and operators shall measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners and operators shall consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater and other factors appropriate for identifying the presence of a release. The requirements of this Section are satisfied if one of the external release detection methods allowed in Section 731.143(e) and (f) is operating in accordance with the requirements in Section 731.143 at the time of closure, and indicates no release has occurred.
- b) If contaminated soils, contaminated groundwater or free product as a liquid or vapor is discovered under subsection (a), or by any other manner, owners and operators shall begin corrective action in accordance with Subpart F.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.173 Previously Closed Systems (Repealed)

When directed by the Fire Marshal, the owner and operator of an UST system permanently closed before December 22, 1989, shall assess the excavation zone and close the UST system in accordance with this Subpart if releases from the UST may, in the judgment of the Fire Marshal, pose a current or potential threat to human health or the environment.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.174 Closure Records (Repealed)

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Owners and operators shall maintain records in accordance with Section 731.134 that are capable of demonstrating compliance with closure requirements under this Subpart. The results of the excavation zone assessment required in Section 731.172 must be maintained for at least 3 years after completion of permanent closure or change in service in one of the following ways:

- a) By the owners and operators who took the UST system out of service;
- b) By the current owners and operators of the UST system site, or
- c) By mailing these records to the Fire Marshal if they cannot be maintained at the closed facility.

(Source: Repealed at 16 Ill. Reg. , effective)

SUBPART H: FINANCIAL RESPONSIBILITY

Section 731.190 Applicability (Repealed)

- a) This Subpart applies to owners and operators of all petroleum UST systems except as otherwise provided in this Section.
- b) Owners and operators of petroleum UST systems are subject to these requirements if they are in operation on or after the date for compliance established in Section 731.191.
- c) State and federal government entities whose debts and liabilities are the debts and liabilities of the State of the United States are exempt from the requirements of this Subpart.
- d) The requirements of this Subpart do not apply to owners and operators of any UST system described in Section 731.110(b) or (c).
- e) If the owner and operator of a petroleum underground storage tank are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in event of noncompliance. Regardless of which party complies, the date set for compliance at a particular facility is determined by the characteristics of the owner as set forth in Section 731.191.

(Source: Repealed at 16 Ill. Reg. , effective)

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Section 731.191 Compliance Dates (Repealed)

Owners of petroleum underground storage tanks are required to comply with the requirements of this Subpart by the following dates:

- a) All petroleum marketing firms owning 1,000 or more USTs and all other UST owners that report a tangible net worth of \$20 million or more to the U.S. Securities and Exchange Commission (SEC), Dun and Bradstreet, the Energy Information Administration or the Rural Electrification Administration: January 24, 1989, except that compliance with Section 730.194(b) is required by July 24, 1989.
- b) All petroleum marketing firms owning 100 through 999 USTs: October 26, 1989.
- c) All petroleum marketing firms owning 13 through 99 USTs at more than one facility: April 26, 1991.
- d) All petroleum UST owners not described in subsections (a), (b) or (c), excluding units of local government: October 26, 1991.
- e) All units of local government: one year after the date of adoption by the Board of additional mechanisms for use by units of local government to comply with financial responsibility requirements for petroleum USTs.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.192 Definitions (Repealed)

When used in this Subpart, the following terms have the meanings given below:

"Accidental release" means any sudden or nonsudden release of petroleum from an underground storage tank that results in a need for corrective action or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator.

"Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of

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these at any time. However, this term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from 40 CFR 280.92, as adopted at 53 Fed. Reg. 43370, October 26, 1988, modified to insert the Insurance Services Office definition.

"controlling interest" means direct ownership of at least 50 percent of the voting stock of another entity.

"director of the Implementing Agency". See Section 731-114.

"environmental damage" means the injurious presence in or upon land, the atmosphere or any watercourse or body of water of solid, liquid, gaseous or thermal contaminants, irritants or pollutants.

BOARD NOTE: This term is used in the definition of "pollution incident".

"financial reporting year" means:

the latest consecutive twelve-month period for which any of the following reports used to support a financial test is prepared:

A 10-K report submitted to the Securities Exchange Commission;

An annual report of tangible net worth submitted to Dun and Bradstreet; or

Annual reports submitted to the Energy Information Administration or the Rural Electrification Administration.

"financial reporting year" may thus comprise a fiscal or a calendar year period.

"legal defense cost" is any expense that an owner or operator or provider of financial assurance incurs in defending against claims or actions brought.

By USEPA or the State to require corrective action or to recover the costs of corrective action.

By or on behalf of a third party for bodily injury or

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property damage caused by an accidental release, or

By any person to enforce the terms of a financial assurance mechanism.

"occurrence" means an accident, including continuous or repeated exposure to conditions, which results in a release from an underground storage tank.

BOARD NOTE: This definition is intended to assist in the understanding of these regulations and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence".

"owner or operator", when the owner or operator are separate persons, refers to the person that is obtaining or has obtained financial assurance.

"petroleum marketing facilities" include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

"petroleum marketing firms" are all firms owning petroleum marketing facilities. Firms owning other types of facilities with USGS as well as petroleum marketing facilities are considered to be petroleum marketing firms.

"pollution incident" means emission, discharge, release or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release or escape results in "environmental damage". The entirety of any such emission, discharge, release or escape shall be deemed to be one "pollution incident". "pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. "waste" includes materials to be recycled, reconditioned or reclaimed. The term "pollution incident" includes an "accidental release" or an "occurrence".

BOARD NOTE: This definition is used in the definition of "property damage".

"property damage" means

Physical injury to, destruction of or contamination of tangible property, including all resulting loss of use of that property, or

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loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a "pollution incident".

This term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage do not include corrective action associated with releases from tanks which are covered by the policy.

BOARD NOTE: Derived from 40 CFR 280.92, as adopted at 53 Fed. Reg. 42370, October 26, 1988, modified to insert the Insurance Services Office definition.

"Provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an underground storage tank through one of the mechanisms listed in Section 731.195 through 731.209, including a guarantor, insurer, risk retention group, surety or issuer of a letter of credit.

"Substantial business relationship" means that one business entity has an ownership interest in another.

"Tangible net worth" means the tangible assets that remain after deducting liabilities, such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Termination" under Section 731.197(b) means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

(Board Note: Derived from 40 CFR 280.92(a), as adopted at 54 Fed. Reg. 47081, November 9, 1989.

"Unit of local government" is as defined in the Illinois Constitution of 1970, Art. VII, Section 1.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.193 Amount and Scope of Required Financial Responsibility (Repealed)

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a) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following per occurrence amounts:

1) For owners or operators of petroleum underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: \$1 million.

2) For all other owners or operators of petroleum underground storage tanks: \$500,000.

b) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following annual aggregate amounts:

1) For owners or operators of 1 to 100 petroleum underground storage tanks: \$1 million; and

2) For owners or operators of 101 or more petroleum underground storage tanks: \$2 million.

e) For the purposes of subsections (b) and (f) only, a "petroleum underground storage tank" means a single containment unit and does not mean combinations of single containment units.

d) Except as provided in subsection (e), if the owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for:

1) Taking corrective action;

2) Compensating third parties for bodily injury and property damage caused by sudden accidental releases; or

3) Compensating third parties for bodily injury and property damage caused by nonsudden accidental

~~releases, the amount of assurance provided by each mechanism or combination of mechanisms must be in the full amount specified in subsection (a) and (b).~~

~~e) If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum underground storage tanks, the annual aggregate required must be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.~~

~~f) Owners or operators shall review the amount of aggregate assurance provided whenever additional petroleum underground storage tanks are required or installed. If the number of petroleum underground storage tanks for which assurance must be provided exceeds 100, the owner or operator shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the anniversary of the date on which the mechanism demonstrating financial responsibility became effective. If assurance is being demonstrated by a combination of mechanisms, the owner or operator shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the first occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.~~

~~g) The amounts of assurance required under this Section exclude legal defense costs.~~

~~h) The required per occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator.~~

(Source: Repealed at 16 Ill. Reg. , effective

Section 731.194 Allowable Mechanisms and Combinations
(Repealed)

~~a) Subject to the limitations of subsections (b) and (c), an owner or operator may use any one or combination of the mechanisms listed in Sections 731.195 through 731.203 to demonstrate financial responsibility under this Subpart for one or more underground storage tanks.~~

~~e) An owner or operator may use self insurance in combination with guarantee only if, for the purpose of meeting the requirements of the financial test under this Subpart, the~~

~~financial statements of the owner or operator are not consolidated with the financial statements of the guarantor.~~

(Source: Repealed at 16 Ill. Reg. , effective

Section 731.195 Financial Test of Self-insurance (Repealed)

~~a) An owner or operator, or guarantor, may satisfy the requirements of Section 731.193 by passing a financial test as specified in this Section. To pass the financial test of self insurance, the owner or operator, or guarantor, shall meet the criteria of subsection (b) or (c) based on year-end financial statements for the latest completed fiscal year.~~

~~b) Financial Test~~

~~1) The owner or operator, or guarantor, shall have a tangible net worth of at least ten times:~~

~~A) The total of the applicable aggregate amount required by Section 731.193, based on the number of underground storage tanks for which a financial test is used to demonstrate financial responsibility for UST systems to USEPA pursuant to 40 CFR 280, to the Fire Marshal pursuant to this Part or to implementing agencies of UST programs in other states authorized by USEPA pursuant to 40 CFR 281;~~

~~B) The sum of the corrective action cost estimates, the current closure and post-closure care cost estimates and amount of liability coverage for which a financial test is used to demonstrate financial responsibility for hazardous waste facilities to USEPA pursuant to 40 CFR 264 or 265, to the Agency pursuant to 35 Ill. Adm. Code 724 or 725 or to other state agencies authorized by USEPA to administer hazardous waste programs pursuant to 40 CFR 271;~~

~~C) The sum of current plugging and abandonment cost estimates for which a financial test is used to demonstrate financial responsibility for underground injection wells to USEPA pursuant to 40 CFR 144, to the Agency pursuant to 35 Ill. Adm. Code 704, to the Department of Mines and Minerals~~

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pursuant to 62 Ill. Adm. Code 240 or to other state agencies authorized to administer underground injection control programs pursuant to 40 CFR 145.

- 2) The owner or operator, or guarantor, shall have a tangible net worth of at least \$10 million.
- 3) The owner or operator, or guarantor, shall have a letter signed by the chief financial officer worded as specified in subsection (d).
- 4) The owner or operator, or guarantor, shall either:
 - A) File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration; or
 - B) Report annually the firm's tangible net worth to Dun and Bradstreet, and Dun and Bradstreet must have assigned the firm a financial strength rating of 4A or 5A.
- 5) The firm's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion or a "going concern" qualification.

e) RCRA Financial Test-

- 1) The owner or operator, or guarantor shall meet the financial test requirements of 35 Ill. Adm. Code 724.247(f)(1) substituting the appropriate amounts specified in Section 721.193(b)(1) and (b)(2) for the amount of liability coverage each time specified in the Section.
- 2) The fiscal year-end financial statements of the owner or operator, or guarantor, must be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.
- 3) The firm's year-end financial statements cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.
- 4) The owner or operator, or guarantor, shall have a

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letter signed by the chief financial officer, worded as specified in subsection (d).

- 5) If the financial statements of the owner or operator, or guarantor, are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration, the owner or operator, or guarantor, shall obtain a special report by an independent certified public accountant stating that:
 - A) The accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the latest year-end financial statements of the owner or operator, or guarantor, with the amounts in such financial statements; and
 - B) In connection with that comparison, no matters came to the accountant's attention which caused him to believe that the specified data should be adjusted.
- d) Forms.
 - 1) The Board incorporates by reference 40 CFR 200.95(d) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments.
 - 2) The Fire Marshal shall promulgate forms based on the forms in 40 CFR 200.95(d), with such changes as are necessary under Illinois law.
 - 3) The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 200.95(d), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.
 - 4) To demonstrate that it meets the financial test under subsection (b) or (c), the chief financial officer of the owner or operator, or guarantor, shall sign, within 120 days of the close of each financial reporting year as defined by the twelve-month period for which financial statements used to support the financial test are prepared, a letter worded as provided in subsection (d)(3).
 - e) If an owner or operator using the test to provide financial

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assurance finds that the owner or operator no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator shall obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

f) The Fire Marshal may require reports of financial condition at any time from the owner or operator, or guarantor. If the Fire Marshal finds, on the basis of such reports or other information, that the owner or operator, or guarantor, no longer meets the financial test requirements of subsection (b) or (e) and (d), the owner or operator shall obtain alternate coverage within 30 days after notification of such a finding.

g) If the owner or operator fails to obtain alternate assurance within 150 days of finding that the owner or operator no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the Fire Marshal, that the owner or operator no longer meets the requirements of the financial test, the owner or operator shall notify the Fire Marshal of such failure within 10 days.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.196 Guarantee (Repealed)

a) An owner or operator may satisfy the requirements of Section 731.193 by obtaining a guarantee that conforms to the requirements of this Section. The guarantor shall have an ownership interest in the owner or operator.

b) Within 120 days after the close of each financial reporting year the guarantor shall demonstrate that it meets the financial test criteria of Section 731.195 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in Section 731.195(d) and shall deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator. If the Fire Marshal notifies the guarantor that the guarantor no longer meets the requirements of the financial test of Section 731.195(b) or (e) and (d), the

guarantor shall notify the owner or operator within 10 days of receiving such notification from the Fire Marshal. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator shall obtain alternative coverage as specified in Section 731.210(e).

e) Forms.

1) The Board incorporates by reference 40 CFR 280.96(e) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments.

2) The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.96(e) with such changes as are necessary under Illinois law.

3) The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.96(e), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

d) An owner or operator who uses a guarantee to satisfy the requirements of Section 731.193 shall establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited directly into the standby trust fund in accordance with instruction from the Fire Marshal under Section 731.209. This standby trust fund must meet the requirements specified in Section 731.203.

e) Additional requirements for guarantors.

1) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1993 (Ill. Rev. Stat. 1997, ch. 32, par. 5.05 or Section 105.05 of the General Not-For-Profit Corporation Act of 1986 (Ill. Rev. Stat. 1987, ch. 32, par. 105.05).

2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor.

B) The guarantee is governed by Illinois law and,

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- c) ~~The name and address of the guarantor's registered agent for service of process.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.197 Insurance or Risk Retention Group Coverage
(Repealed)

- a) ~~An owner or operator may satisfy the requirements of Section 731.193 by obtaining liability insurance that conforms to the requirements of this Section from a qualified insurer or risk retention group. Such insurance must be in the form of a separate insurance policy or an endorsement to an existing insurance policy.~~

b) ~~Forms.~~

- 1) ~~The Board incorporates by reference 40 CFR 280.97(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988, as amended at 54 Fed. Reg. 47081, November 9, 1989. This Section incorporates no future editions or amendments.~~
- 2) ~~The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.97(b), with such changes as are necessary under Illinois law.~~

- 3) ~~Each insurance policy must be amended by an endorsement, or evidenced by a certificate of insurance. The owner or operator shall use the forms specified in subsection (b)(2), if available; otherwise, the owner or operator shall use the forms in 40 CFR 280.97(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.~~

- e) ~~Each insurance policy must be issued by an insurer or a risk retention group which is licensed by the Illinois Department of Insurance.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.198 Surety Bond (Repealed)

- a) ~~An owner or operator may satisfy the requirements of Section 731.193 by obtaining a surety bond that conforms to the requirements of this Section. The surety company issuing the bond shall be licensed by the Illinois Department of~~

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~~Insurance.~~

b) ~~Forms.~~

- 1) ~~The Board incorporates by reference 40 CFR 280.98(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments.~~
- 2) ~~The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.98(b), with such changes as are necessary under Illinois law.~~

- 3) ~~The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.98(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.~~

- e) ~~Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per occurrence and annual aggregate penal sums.~~

- d) ~~The owner or operator who uses a surety bond to satisfy the requirements of Section 731.193 must establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund in accordance with instructions from the Fire Marshal under Section 731.208. This standby trust fund must meet the requirements specified in Section 731.203.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.199 Letter of Credit (Repealed)

- a) ~~An owner or operator may satisfy the requirements of Section 731.193 by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Section. The issuing institution shall be an entity with authority to issue letters of credit and whose letter of credit operations are regulated by the Illinois Commissioner of Banks and Trust Companies.~~

b) ~~Forms.~~

- 1) ~~The Board incorporates by reference 40 CFR 280.99(b) as~~

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adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments.

- 1) The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.99(b), with such changes as are necessary under Illinois law.
- 2) The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.99(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.
- 3) An owner or operator who uses a letter of credit to satisfy the requirements of Section 731.193 shall also establish a standby trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Fire Marshal shall be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Fire Marshal under Section 731.200. This standby trust fund must meet the requirements specified in Section 731.203.

- 4) The letter of credit must be irrevocable with a term specified by the issuing institution. The letter of credit must provide that credit be automatically renewed for the same term as the original term, unless, at least 120 days before the current expiration date, the issuing institution notifies the owner or operator by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days will begin on the date when the owner or operator receives the notice, as evidenced by the return receipt.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.200

UST State Fund (Repealed)

- a) Section 22.13 of the Act creates the Underground Storage Tank Fund (Fund). THE FUND IS INTENDED TO BE A STATE FUND BY WHICH PERSONS WHO QUALIFY FOR ACCESS TO THE FUND IN THE EVENT OF A RELEASE MAY SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS UNDER THIS PART. (Section 22.13 of the Act.)

- b) An owner or operator may apply to the Fire Marshal for a certificate of coverage, on forms provided by the Fire Marshal.

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If the Fire Marshal determines that the owner or operator would be entitled to receive funds from the Fund in the event of a release, it shall issue a certificate of coverage. The certificate must certify.

- 1) Name of the owner or operator;
- 2) Name and address of the facility;
- 3) The amount of funds for corrective action or compensating third parties which is assured by the Fund;
- 4) The effective date of the certificate.
- 5) An owner or operator with a certificate is deemed in compliance with the requirements of this Subpart with respect to the facility listed in the certificate.
- 6) Owners or operators may use any financial assurance mechanism or combination of mechanisms meeting the requirements of the other Sections of this Subpart to meet the Fund requirement that they have insurance for the deductible.
- 7) IF THE AGENCY REFUSES TO REIMBURSE OR AUTHORIZE ONLY A PARTIAL REIMBURSEMENT, THE AFFECTED OWNER OR OPERATOR MAY PETITION THE BOARD FOR A HEARING pursuant to 35 Ill. Adm. Code 105. (Section 22.18b(g) of the Act).

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.202

Trust Fund (Repealed)

- a) An owner or operator may satisfy the requirements of Section 731.193 by establishing a trust fund that conforms to the requirements of this Section. The trustee shall be an entity which has authority to act as trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987 ch. 17, pars. 1551-1 et seq.)

- b) The wording of the trust agreement must be identical to the wording specified in Section 731.203(b), and must be accompanied by a formal certification of acknowledgement as specified in Section 731.203(b). In addition, the owner or operator and trustee shall agree that Illinois law governs

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the trust.

e) The trust fund, when established, must be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanisms that provide the remaining required coverage.

d) If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the Fire Marshal for release of the excess.

e) If other financial assurance as specified in this Subpart is substituted for all or part of the trust fund, the owner or operator may submit a written request to the Fire Marshal for release of the excess.

f) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection (d) or (e), the Fire Marshal shall instruct the trustee to release to the owner or operator such funds as the Fire Marshal specifies in writing.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.203 Standby Trust Fund (Repealed)

a) An owner or operator using any one of the mechanisms authorized by Sections 731.196, 731.198 or 731.199 shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act. (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-1 et seq.)

b) Forms.

1) The Board incorporates by reference 40 CFR 280.103(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988 and as amended at 53 Fed. Reg. 51274, December 21, 1988. This Section incorporates no future editions or amendments.

2) The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.103(b), with such changes as are

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necessary under Illinois law.

3) The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.103(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

4) In addition, the owner or operator and trustee shall agree that Illinois law governs the trust.

e) The Fire Marshal shall instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the Fire Marshal determines that no additional corrective action costs or third party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

d) An owner or operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this Subpart.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.204 Substitution of Mechanisms (Repealed)

a) An owner or operator may substitute any alternate financial assurance mechanisms as specified in this Subpart, provided that at all times the owner or operator maintains an effective financial assurance mechanism or combination of mechanisms that satisfies the requirements of Section 731.193.

b) After obtaining alternate financial assurance as specified in this Subpart, an owner or operator may cancel a financial assurance mechanism by providing notice to the provider of financial assurance.

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.205 Cancellation or Nonrenewal by Provider (Repealed)

a) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the

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b) ~~An owner or operator shall certify compliance with the financial responsibility requirements of this Part as specified in the new tank notification form when notifying the Fire Marshal of the installation of a new underground storage tank under Section 731.122.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.207 Recordkeeping (Repealed)

~~An owner or operator who deposits the required financial assurance documents with the Fire Marshal pursuant to Section 731.206 is not otherwise required to maintain copies of the documents or the certificate, which would be required pursuant to 40 CFR 260.107, adopted at 53 Fed. Reg. 43357, October 26, 1998.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.208 Drawing on Financial Assurance (Repealed)

a) ~~The Fire Marshal shall require the guarantor, surety or institution issuing a letter of credit to place the amount of funds stipulated by the Fire Marshal up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:~~

1) ~~Both:~~

A) ~~The owner or operator fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantor, surety bond, letter of credit or as applicable, other financial assurance mechanism; and~~

B) ~~The Fire Marshal determines or suspects that a release from an underground storage tank covered by the mechanism has occurred and so notifies the owner or operator or the owner or operator has notified ESDA pursuant to Subpart B or F of a release from an underground storage tank covered by the mechanism; or~~

2) ~~The conditions of subsections (b)(1) or (b)(2)(A) or (B) are satisfied,~~

b) ~~The Fire Marshal shall draw on a standby trust fund when:~~

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owner or operator.

1) ~~Termination of a guarantee, a surety bond or a letter of credit must not occur until 120 days after the date on which the owner or operator receives the notice of termination as evidenced by the return receipt; or~~

2) ~~Termination of insurance or risk retention group coverage, except for non-payment or misrepresentation by the insured, or coverage by the UGP State Fund under Section 731.200, must not occur until 60 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt. Termination for non-payment of premium or misrepresentation by the insured must not occur until a minimum of 10 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.~~

b) ~~If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in Section 731.206, the owner or operator shall obtain alternate coverage as specified in this Section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator shall notify the Fire Marshal of such failure and submit:~~

1) ~~The name and address of the provider of financial assurance;~~

2) ~~The effective date of termination; and~~

3) ~~The evidence of the financial assistance mechanism subject to the termination maintained in accordance with Section 731.207(b).~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.206 Reporting (Repealed)

a) ~~The owner or operator shall deposit with the Fire Marshal an original, or a signed duplicate original, of any required financial assurance document. The owner or operator shall deposit the document within 14 days after the date on which the operator receives the document.~~

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- 1) ~~The Fire Marshal makes a final determination that a release has occurred and immediate or long-term corrective action for the release is needed, and the owner or operator, after appropriate notice and opportunity to comply, has not conducted corrective action as required under Subpart F, or~~
- 2) ~~The Fire Marshal has received either:~~
 - A) ~~Certification from the owner or operator and third-party liability claimant and from attorneys representing the owner or operator and the third-party liability claimant that a third-party liability claim should be paid. The Board incorporates by reference 40 CFR 200.108(b) (2) (i) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments. The certification must be worded as provided in 40 CFR 200.108(b) (2) (i), except that instructions in brackets are to be replaced with the relevant information and the brackets deleted, or~~
 - B) ~~A valid final court order establishing a judgment against the owner or operator for bodily injury or property damage caused by an accidental release from an underground storage tank covered by financial assurance under this Subpart and the Fire Marshal determines that the owner or operator has not satisfied the judgment.~~
 - C) ~~If the Fire Marshal determines that the amount of corrective action costs and third-party liability claims eligible for payment under subsection (b) may exceed the balance of the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment must be corrective action costs necessary to protect human health and the environment. The Fire Marshal shall pay third-party liability claims in the order in which the Fire Marshal receives certifications under subsection (b) (2) (A), and valid court orders under subsection (b) (2) (B).~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.209

Release from Financial Assurance Requirement
(Repealed)

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~~An owner or operator is no longer required to maintain financial responsibility under this Subpart for an underground storage tank after the tank has been properly closed or, if corrective action is required, after corrective action has been completed and the tank has been properly closed as required by Subpart G.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.210 Bankruptcy or other Incapacity (Repealed)

- a) ~~Within 10 days after commencement of a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy), naming an owner or operator as debtor, the owner or operator shall notify the Fire Marshal by certified mail of such commencement and submit the appropriate forms listed in Section 731.207(b) documenting current financial responsibility.~~
- b) ~~Within 10 days after commencement of a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy), naming a guarantor providing financial assurance as debtor, such guarantor shall notify the owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in Section 731.196.~~
- c) ~~An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond or letter of credit. The owner or operator shall obtain alternate financial assurance as specified in this Subpart within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, the owner or operator shall notify the Fire Marshal.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731.211 Replenishment (Repealed)

- a) ~~If at any time after a standby trust is funded upon the instruction of the Fire Marshal with funds drawn from a guarantee, letter of credit or surety bond, and the amount~~

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~~in the standby trust is reduced below the full amount of coverage required, the owner or operator shall by the anniversary date of the financial mechanism from which the funds were drawn.~~

- 1) ~~Replenish the value of financial assurance to equal the full amount of coverage required, or~~
- 2) ~~Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.~~

~~b) For purposes of this Section, the full amount of coverage to be provided by Section 731.193. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment must occur by the earliest anniversary date among the mechanisms.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 731. Appendix A

The Board incorporates by reference 40 CFR 280, Appendix I (1988), as amended at 53 Fed. Reg. 37208, September 23, 1988 (1991). This Section incorporates no future editions or amendments. Persons required to notify shall use forms provided by the Fire Marshal if available. Otherwise, they may prepare forms based on 40 CFR 280, Appendix I.

(Source: Amended at 16 Ill. Reg. , effective)

Section 731. Appendix C Statement for Shipping Tickets and Invoices

Note.-A Federal law (The Resource Conservation and Recovery Act (RCRA), as amended (Pub. L. 98-616)) requires owners of certain underground storage tanks to notify designated State or local agencies by May 8, 1986, of the existence of their tanks. Notifications for tanks brought into use after May 8, 1986, must be made within 30 days. Consult USEPA's regulations, issued on November 8, 1985 (40 CFR Part 280) to determine if you are affected by this law.

(Source: Added at 16 Ill. Reg. , effective)

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1) The Heading of the Part: CHILD SUPPORT ENFORCEMENT

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Number: Proposed Action:

160.30 Amendment

4) Statutory Authority: Sections 4-1.7, 10-1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.7, 10-1 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking revises the Department rule that requires persons to cooperate with the Department's child support enforcement program as a condition of individual eligibility for the AFDC program. The term "cooperation" is defined, and the grounds for a Department determination of "non-cooperation" are specified. The proposal also sets forth the means by which an AFDC client can demonstrate cooperation after having been "sanctioned", i.e., rendered ineligible for AFDC, and thereby regain AFDC eligibility. These changes stem from the decisions of the U.S. District Court for the Northern District of Illinois in the *Doston v. Duffy* class action lawsuit, and represent the agreed-upon results of negotiations between the Department and the Legal Assistance Foundation of Chicago.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Myron Brigman, Office

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of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small business

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section
160.1
160.5
160.10
160.20

Incorporation By Reference
Definitions
Child Support Enforcement Program
Assignment of Rights to Support

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30
160.35
160.40
160.45

Cooperation With Support Enforcement Program
Good Cause For Failure to Cooperate With Support Enforcement
Proof of Good Cause For Failure to Cooperate With Support Enforcement
Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section
160.60
160.65

Establishment of Support Obligations
Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
160.70
160.75
160.80

Enforcement of Support Orders
Withholding of Income to Secure Payment of Support
Amnesty - 20% Charge

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90

Earmarking Child Support Payments

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amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 16 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section 160.30 Cooperation With Support Enforcement Program

a) As a condition of individual eligibility for AFDC, a caretaker relative must cooperate with the Department in identifying/locating the responsible relative and in obtaining support from the responsible relative and enforcing support obligations unless the Department determines there is good cause for refusing to do so. (see 89 Ill. Adm. Code 101.20 for definition of "caretaker relative"). As a condition of individual eligibility for AFDC, unless the Department determines there is good cause for refusing, a caretaker relative (see 89 Ill. Adm. Code 101.20 for definition of "caretaker relative") must cooperate with the Department in:

- 1) identifying and locating the responsible relative of a child for whom aid is claimed;
- 2) establishing the paternity of a child for whom aid is claimed;
- 3) obtaining support from the responsible relative; and
- 4) enforcing support obligations.

b) If the caretaker relative and his/her spouse are in the home and are included in the assistance grant, both must comply with the cooperation requirements. A caretaker relative who fails/refuses, without good cause (see Sections 160.35 thru 160.45), to cooperate in the enforcement of support obligations shall be excluded from the assistance grant.

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SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.100 Distribution Of Child Support For AFDC Recipients
 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments
 160.132 Distribution Of Child Support for Non-AFDC Clients
 160.134 Distribution Of Child Support For Interstate Cases
 160.136 Distribution Of Support Collected in IV-E Foster Care Maintenance Cases
 160.138 Distribution Of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days;

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Section 160.30

Cooperation With Support Enforcement Program
(Cont'd)

- c) "Cooperating with the Department in identifying/enforcing the responsible relative and in obtaining/enforcing support obligations" means: "Cooperating with the Department" in the context of subsection (a) above means any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in subsection (a) above:

- 1) appearing at such places as an office of the Department, or the Department's legal representative's office representative (such as the Attorney General or his designee), as necessary, and providing to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient caretaker relative;
- 2) appearing and testifying as a witness at judicial proceedings;
- 3) paying to the Department any child support payments received from the responsible relative; and
- 4) providing information, or attesting to the lack of information (i.e., all information or documentary evidence known to, possessed by, or reasonably obtainable by the caretaker relative about the responsible relative), under penalty of perjury (for the penalty for perjury, see Section 32-2 of the Criminal Code [Ill. Rev. Stat. 1985, 1989, ch. 38, par. 32-2]). All caretaker relatives must sign a statement attesting that:
 - A) he/she has to the best of his/her ability, provided all information requested of him/her, and
 - B) all information which he/she has provided is true and correct to the best of his/her knowledge.

- d) Evidence of a caretaker relative's failure/refusal to cooperate in identifying/enforcing the responsible relative and/or in obtaining and enforcing support

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Section 160.30

Cooperation With Support Enforcement Program
(Cont'd)

obligations includes but is not limited to: If a caretaker relative fails/refuses to comply with the requirements of subsection (c) above, he/she is ineligible for financial and medical assistance, i.e., is "sanctioned", for as long as the failure/refusal to cooperate continues. Grounds for a determination that a caretaker relative has failed/refused to cooperate with the requirements of subsection (c) above are as follows:

- 1) A) failure/refusal, without a valid reason, to appear for an appointment/interview at such places as the Department or the Department's legal representatives' office or failure/refusal to appear and/or testify as a witness at a judicial proceeding (the appointment/interview/judicial proceeding are only those referred to in Section 160.30-(e)(1) thru (e)(4)), or a caretaker relative's failure/refusal to appear for an appointment/interview or to appear and/or testify at a judicial proceeding without a valid reason, will result in sanction by the disbursement of financial and medical assistance for that caretaker relative. A caretaker relative may claim valid reasons for failure/refusal to appear for an appointment/interview at such places as the Department or the Department's legal representative's office or failure/refusal to appear and/or testify at a judicial proceeding. Examples of valid reason for failure/refusal to cooperate include, but are not limited to:
 - 1) failure/refusal, without a valid reason, to appear for an appointment/interview at such places as the Department's or the Department's legal representative's office.
 - 2) failure/refusal, without a valid reason, to appear and testify as a witness at a judicial proceeding.
 - 3) failure/refusal, without a valid reason, to submit to a court-ordered blood test, or

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Section 160.30 Cooperation With Support Enforcement Program (Cont'd)

4) failure/refusal during an appointment/interview to attest under penalty of perjury that

A) he/she has provided all verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by him/her about the identity and location of the responsible relative, and

B) the information provided is true and correct to the best of his/her knowledge.

5) A caretaker relative may claim a valid reason for failure/refusal to appear for an appointment/interview, to appear and testify as a witness at a judicial proceeding or to submit to a court-ordered blood test.

A) Examples of valid reasons for failure/refusal to cooperate include, but are not limited to:

- i) illness,
- ii) incapacity (e.g., a broken leg, information of a scheduled surgery or recuperation from surgery),
- iii) death in the family,
- iv) non-Child Support Enforcement court required appearance,
- v) temporary incarceration,
- vi) family crisis,
- vii) breakdown in child care arrangements,
- viii) sudden or unexpected emergency,
- ix) unavailability of otherwise suitable child care, or
- x) breakdown in transportation arrangements or lack of reasonably available transportation, or

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xi) non-receipt of notice of appointment/interview, court date or blood test date.

B) The Department will not require a caretaker relative to document provide proof of a valid reason(s) for failure/refusal to cooperate unless:

- i) the caretaker relative has failed/refused to appear for an appointment/interview/submit judicial proceeding or blood test on at least one other occasion within a thirty (30) day period from the first failure to appear, or
- ii) evidence independent of the explanation of valid reason contradicts the caretaker relative's explanation. (The caretaker relative must provide such documentation to the physician's statement, dated pharmacy statement within hospital admission statement within ten (10) days from the day the valid reason claim was made. If such documentation is not provided, AFDC benefits to the caretaker relative will be discontinued.)

C) When the Department requests proof of a valid reason, the caretaker relative must provide such proof (e.g., physician's statement, dated pharmacy statement, hospital admission statement, statements by witnesses) within 10 calendar days of the request. The Department shall allow an additional 10 calendar days to provide proof at the request of the caretaker relative. If the caretaker relative does not provide the proof, his/her financial and medical assistance will be discontinued.

C)D)

The sanction for failure/refusal to appear for an appointment/interview/submit judicial proceeding or blood test shall be rescinded at any level of

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Section 160.30 Cooperation With Support Enforcement Program (Cont'd)

the sanction appeal process up through and until the final agency decision, and any lost benefits will be restored, if the caretaker relative established establishes a valid reason for his/her failure/refusal, to keep his/her scheduled appointment/interview or to appear and/or testify at a judicial proceeding.**

2) failure/refusal to provide all information which is available to him/her about the identity and location of the responsible relative as determined by the following objective criteria:

- A) inconsistent statements of information relevant to identifying/locating the responsible relative and/or obtaining and enforcing the support obligation, which the caretaker relative cannot reconcile;
- B) failure/refusal to provide information which it is reasonable to expect the caretaker relative to know or be able to obtain. The amount of information which a caretaker relative is expected to provide is based on:
 - i) the length of the relationship with the responsible relative;
 - ii) the type of relationship (i.e., marriage, co-habitation, dating);
 - iii) the recency of the relationship; and
 - iv) the financial aspects of the relationship; or
- C) has knowingly provided incorrect or misleading information;
- D) Evidence of a caretaker relative's failure/refusal to cooperate in identifying/locating the responsible relative and/or in obtaining and enforcing support obligations, does not include:
 - e) the sanction appeal process up through and until the final agency decision, and any lost benefits will be restored, if the caretaker relative established establishes a valid reason for his/her failure/refusal, to keep his/her scheduled appointment/interview or to appear and/or testify at a judicial proceeding.**

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- 1) more suspicions on the part of the interviewer (e.g., the Family Support Specialist, the State's Attorney);
- 2) interviewer's conjectures based solely on the caretaker's relative's attitude or demeanor;
- 3) the caretaker's inability to provide enough information for the Parent Locator Service to locate the responsible relative;
- 4) The Department will advise those caretaker relatives whom it believes are failing/refusing to cooperate with Child Support Enforcement Program requirements that appropriate sanction will be taken (i.e., the caretaker relative will be excluded from the assistance grant);
- 5) If the caretaker relative fails/refuses to comply with the requirements listed in subsection (e) above, he/she is ineligible for financial and medical assistance for as long as he/she continues to fail/refuse to cooperate. If the caretaker relative later indicates that he/she is willing to cooperate, he/she will be given the opportunity to cooperate. The caretaker relative will be determined to have cooperated if he/she complies with the requirements (see subsection (e) above) that he/she previously failed/refused to meet;
- 6) A caretaker relative can appeal the Department's determination that he/she failed/refused to comply with the requirements of subsection (e) above. Such appeal shall be in accordance with 89 Ill. Adm. Code 102.70 thru 102.82 and 104 -- Subpart A;
- 7) The sanction for failure/refusal to cooperate with Child Support Enforcement Program requirements listed in subsections (e)(1) thru (e)(4) shall be rescinded at any level of the sanction process up through and including the final agency decision, and any lost benefits will be restored if the caretaker relative establishes good cause for failure/refusal to cooperate with the Child Support Enforcement Program.

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e) If a caretaker relative, who is ineligible for financial and medical assistance because of a failure/refusal to cooperate indicates that he/she is willing to cooperate, he/she will be given the opportunity to cooperate. The caretaker relative will be determined to have cooperated if he/she complies with the requirements that he/she previously failed/refused to meet as follows:

1) In the case of a caretaker relative who was sanctioned for missing an interview/appointment, he/she may demonstrate cooperation by appearing at a new interview/appointment. If the caretaker relative notifies the Department that he/she is willing to cooperate, the Department will schedule a new interview/appointment no later than three (3) weeks from the date of such notification. If the caretaker relative appears at the new interview/appointment, the Department will authorize assistance as of the date the caretaker relative notified the Department that he/she was willing to cooperate.

2) In the case of a caretaker relative who was sanctioned for failure to submit to a blood test to establish paternity, he/she may demonstrate cooperation by submitting to the blood test. If the caretaker relative notifies the Department that he/she is willing to cooperate, the Department will schedule a blood test within 3 weeks from the date of such notification. If the caretaker relative submits to the blood test, the Department will authorize assistance as of the date the caretaker relative notified the Department that he/she was willing to cooperate.

3) In the case of a caretaker relative who was sanctioned for not attending a court appearance, he/she may demonstrate cooperation by attending the next court appearance or, once in a court case after 30 days have passed since the missed appearance, by signing a statement the he/she is now willing to cooperate and will attend the next scheduled court appearance. Assistance for the caretaker relative shall be authorized as of the

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date he/she demonstrates cooperation by either method.

4) In the case of a sanctioned caretaker relative whose failure to attend a court appearance or other failure to cooperate resulted in the dismissal of the court case, he/she may demonstrate cooperation by doing what he/she failed to do or, once in a court case after 60 days have passed since the dismissal, by signing a statement that he/she is now willing to cooperate. Assistance for the caretaker relative shall be authorized as of the date he/she demonstrates cooperation by either method.

5) In the case of a caretaker relative who was sanctioned for not attesting, he/she may demonstrate cooperation by executing the attestation described in subsection (d)(4) above. Assistance for the caretaker relative shall be authorized as of the date he/she executes the attestation.

6) The Department shall not deny or terminate a pregnant caretaker relative's medical assistance because of the caretaker relative's failure to cooperate with the requirements of subsection (c) above until at least 30 days have elapsed since termination of the pregnancy.

f) A sanction for failure/refusal to comply with the requirements of subsection (c) above shall be rescinded at any level of the appeal process up through and including the final agency decision and any lost benefits will be restored, if the caretaker relative establishes good cause for failure/refusal.

*Agency-Note:--The caretaker relative is sent a written notice advising of the scheduled appointment/interview/court proceeding at least ten (10) days prior to such meeting.

**Agency-Note:--The term "sanctions" or "sanctioning process" refers to the discontinuance of financial and medical assistance to the caretaker relative for as long as he/she fails/refuses to cooperate with the Child Support

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Section 160.30 Cooperation With Support Enforcement Program
(Cont'd)

Enforcement requirements listed in Section 160.30(e)(1)
thru (e)(4):

***Agency Note:--in the case of a caretaker relative who was sanctioned for missing an interview/appointment (without a valid reason)--if the caretaker relative indicates that he/she is now willing to cooperate--a new appointment/interview will be scheduled as soon as possible, but no later than three (3) weeks from the date the Bureau of Child Support Enforcement is notified that the caretaker relative wishes to cooperate--in the case of a caretaker relative who was sanctioned for not appearing at a court proceeding (without a valid reason)--if the caretaker relative indicates that he/she is now willing to cooperate, the Department's legal representative will obtain a new court date--the Department's legal representative will attempt to have the matter set for the earliest available court date.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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1) The Heading of the Part: FOOD STAMPS

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: Proposed Action:

121.58 Amendment
121.72 Amendment
121.73 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 121.58

Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)

89 Ill. Adm. Code 121.72 and 121.73

Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)

5) A Complete Description of the Subjects and Issues Involved:

89 Ill. Adm. Code 121.58

Assets of a household member who receives AFDC or SSI benefits are exempt under the Food Stamp program if they are exempt under the AFDC or SSI program (7 CFR 273.8).

89 Ill. Adm. Code 121.72 and 121.73

This rulemaking deletes individuals disqualified for non-compliance with work registration requirements from the list of individuals who are classified as nonhousehold members and now classifies them as ineligible household members (see 7 CFR 273.11(c) and (d)).

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes X No

8) Do these Proposed Amendments contain incorporations by reference? No

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89 Ill. Adm. Code 121.72 and 121.73

This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

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9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

121.63 Amendment December 6, 1991
(15 Ill. Reg. 18086)

121.91 Amendment October 4, 1991
(15 Ill. Reg. 14186)

121.94 Amendment October 18, 1991
(15 Ill. Reg. 14999)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

89 Ill. Adm. Code 121.58

Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

89 Ill. Adm. Code 121.72 and 121.73

Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

89 Ill. Adm. Code 121.58

This rulemaking has no effect on small businesses.

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

- Section 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Services
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

- Section 121.19 Ending a Voluntary Quit Disqualification
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt From Work Registration Requirements
- 121.25 Failure to Comply
- 121.26 Period of Disqualification
- 121.27 Voluntary Job Quit
- 121.28 Good Cause for Voluntary Job Quit
- 121.29 Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

- Section 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits
- 121.33 Unearned Income In-Kind
- 121.34 Lump Sum Payments and Income Tax Refunds
- 121.40 Earned Income
- 121.41 Budgeting Earned Income
- 121.50 Exempt Earned Income
- 121.51 Income from Work/Study/Training Programs
- 121.52 Earned Income from Roomer and Boarder

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- Section 121.53 Income From Rental Property
- 121.54 Earned Income In-Kind
- 121.55 Sponsors of Aliens
- 121.57 Assets
- 121.58 Exempt Assets
- 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

- Section 121.60 Net Monthly Income Eligibility Standards
- 121.61 Gross Monthly Income Eligibility Standards
- 121.62 Income Which Must Be Annualized
- 121.63 Deductions From Monthly Income
- 121.64 Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

- Section 121.70 Persons Who May Be Included in the Assistance Unit
- 121.71 Living Arrangement
- 121.72 Nonhousehold Members
- 121.73 Ineligible Household Members
- 121.74 Strikers
- 121.75 Students

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

- Section 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting
- 121.91 Monthly Reporting
- 121.92 Retrospective Budgeting
- 121.93 Direct Mail Issuance of Food Stamp Coupons
- 121.94 Replacement of Food Stamp Coupons or ATP Documents
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Food Stamp Simplified Application Demonstration Project (Repealed)
- 121.120 Recertification of Eligibility
- 121.130 Residents of Shelters for Battered Women and their Children

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Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 22, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 7 Ill. Reg. 16169, effective April 18, 1984; amended at 8 Ill. Reg. 5673, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 16, 1984; amended at 8 Ill. Reg. 13284, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective September 6, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg.

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Section
121.135 Incorporation By Reference
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: CLAIMS FOR OVERISSUANCES OF FOOD STAMP BENEFITS

Section
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3)

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1; effective November 15, 1979; peremptory amendment at 4 Ill.

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7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. —, effective —.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.58 Exempt Assets

a) Homestead Property

- 1) The home and surrounding property which, exclusive of public rights of way, is not separated from the home by intervening property owned by others.
- 2) Homes which are temporarily unoccupied for reasons of employment, training for future employment, illness, or inhabitability caused by casualty or natural disaster, remain exempt if the household intends to return.
- 3) A lot owned or being purchased by the household if the household intends to build or is building a permanent home and the household does not currently own a home.

b) Personal Property

Household goods, personal effects, one burial plot per household member, and the cash value of life insurance policies and pension plans except Individual Retirement Accounts (IRA's) and Keogh plans which do not involve a household member in a contractual relationship with someone who is not a member of the same food stamp household. If the Keogh plan involves a member of the household and someone who is not a member of the same food stamp household, it is exempt unless the client can withdraw funds from the plan without affecting the other individual(s).

c) Income Producing Property

- 1) Property which is annually producing income consistent with its fair market value (including land or buildings being sold by installment contract), even if only used on a seasonal basis.
- 2) Property which is essential to the employment or self-employment of a household member, such as, farmland and work related equipment (tools of a tradesman, farm machinery). In the case of farm property (including land, equipment, and supplies) that is essential to the

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Section 121.58 Exempt Assets (Cont'd)

self-employment of a household member in a farming operation, the value of such property shall be excluded from financial resources until the expiration of the one (1) year period beginning on the date such member ceases to be self-employed in farming.

- 3) A rental home which is used by a household for vacation purposes at sometime during the year is an asset, unless excluded by the preceding subsection (1).

d) Governmental Disaster Payments

Any governmental payments specifically designated for the restoration of a home damaged in a disaster (if the household is subject to a legal sanction if the funds are not used as intended).

e) Inaccessible Assets

Assets whose cash value is not accessible to the household, such as but not limited to:

- 1) irrevocable trust funds,
- 2) security deposits on rental property and utilities,
- 3) property in probate,
- 4) real property when a good faith effort is being made to sell at a reasonable price, or
- 5) jointly owned assets which cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent.
- 6) Non-liquid asset(s) (see Section 121.57(b)(2)(B)) which have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset(s).

f) Prorated Income

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Section 121.58 Exempt Assets (Cont'd)

Money which has been prorated as income, such as income of self-employed persons or students.

g) Indian Lands

Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

h) Federal Statute Exclusions

Assets excluded for food stamp purposes by express provision of Federal Statute.

i) Licensed Vehicles

- 1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat. "Used primarily" means: used over 50% of the time the vehicle is used;
 - 2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);
 - 3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);
 - 4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);
 - 5) used as the household's home; or
 - 6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specially equipped or used primarily for the transportation of the disabled individual.
- *Agency Note: Exclusions 1-6 also apply when the vehicle is not in use because of temporary unemployment.
- 7) The equity value (but not fair market value) of

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Section 121.58 Exempt Assets (Cont'd)

one licensed vehicle per household, regardless of its use; and

- 8) The equity value (but not fair market value) of any other licensed vehicles used to transport household members to and from employment, training or education which is preparatory for employment, or to seek employment in compliance with job search criteria. Temporary periods of unemployment are not to affect this exemption.
- 9) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (i)(1), (i)(2) or (i)(3) above.

11) Assets of an AFDC or SSI household member

All assets of a household member who receives AFDC or SSI benefits provided the assets are exempt for AFDC or SSI purposes.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART E: HOUSEHOLD CONCEPT

Section 121.72 Nonhousehold Members

Any of the following persons who reside with a food stamp household shall not be considered household members, but such persons may, if otherwise eligible, participate in the program as separate households:

- a) Roomers--Individuals to whom a household furnishes lodging, but not meals, for compensation;
- b) Live-in-attendants--Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services;
- c) Students who fail to meet student eligibility requirements in Section 121.75; and
- d) Individuals disqualified for non-compliance with work-registration requirements of Section 121.23.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 121.72 Nonhousehold Members (Cont'd)

e) Other--Individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household. This does not include individuals under eighteen years of age, except foster children, who are under the parental control of a household member, siblings, a spouse of a household member, or parents and children of any age living together unless:

- 1) at least one parent or sibling, meets the definition of a qualifying member as defined in Section 121.61 and purchases food and prepares meals separately; or
- 2) is an elderly disabled person as defined in Section 121.70; or
- 3) is a parent with minor children living with a parent and/or sibling and purchases and prepares meals separately as defined in Section 121.70.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 121.73 Ineligible Household Members

The income and assets of ineligible household members, not eligible to participate in the Food Stamp program, are used in determining eligibility and level of benefits for the remaining eligible household members. The following are ineligible household members:

- a) Individuals disqualified for intentional violation of the program, and
- b) Individuals excluded:
 - 1) For refusal to meet the SSN requirements of Section 121.22, ~~or~~
 - 2) As an ineligible alien; or
 - 3) For failure to comply with work registration requirements.
- e) Workfare-sanctioned individuals.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Racing and Track Rules
- 2) Code Citation: 11 Ill. Adm. Code 1314
- 3) Section Numbers
1314.10
Proposed Action
Repealed
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: This repeal eliminates a duplicate rule. The number of races allowed per day appears in 11 Ill. Adm. Code 405.90.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 3 1992.
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS.

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1314

GENERAL RACING AND TRACK RULES

Section	Number of Races <u>(Repealed)</u>
1314.10	Extra Races
1314.20	Postponement of Races
1314.30	Postponement Procedure
1314.40	Post Time
1314.50	Head Numbers
1314.60	License Display
1314.70	Bonafide Contests
1314.80	Payment Default
1314.90	Liability for Promoters
1314.100	Bad Checks
1314.120	Advertised Purse
1314.130	Advertising and Awards
1314.140	Allocation of Stalls
1314.150	Paddock and Receiving Barn
1314.160	Photofinish and Starting Gate
1314.170	Driver Insurance
1314.180	Interference with Officials
1314.190	Film Recordings
1314.200	Penalty for Violation of Rules
1314.210	Stall Availability
1314.220	Limitation on Purse Reductions
1314.230	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Published In Rules and Regulations of Harness Racing, (original date not cited in publication); amended at August 8, 1973; added March 15, 1974, filed March 22, 1974; amended April 11, 1974, filed and effective April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended August 21, 1976, filed August 30, 1976; codified at 5 Ill. Reg. 10939; amended at 111. Reg. _____, effective _____.

Section 1314.10 Number of Races (Repealed)

[illegible]

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

B) ~~If/eligible/races/are/programmed/four/completed/races/constituted a completed/program/if/eligible/races/are/programmed/five/completed races/constituted a completed/program/and/if/10/races/are programmed/six/completed/races/constituted a completed/program/~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Parl-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 405
- 3) Section Numbers
405.90 Proposed Action
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: This amendment will allow organization licensees to card 11 races per day for harness and 10 race per day for thoroughbred.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 3, 1992.
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance:
N/A
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 405.90 Number of Pari-Mutuel Races

a) For the purpose of pari-mutuel wagering, all races are considered separate and distinct.

1) Harness: Wagering shall be prohibited on more than 10 11 harness races during the course of a single racing program, unless special permission is granted by the Board. However, this provision shall not apply during the racing meet of 11/01/1989.

2) Thoroughbred: Wagering shall be prohibited on more than 9 10 thoroughbred races during the course of a single racing program. However, the racing commission shall not be bound by this provision during the racing meet of 11/01/1989. The racing commission shall not be bound by this provision during the racing meet of 11/01/1989.

b) Organization licensees may request wagering on additional races. In acting on such requests, the Board shall consider the effect of extra races on state revenue and on track and state employees, and shall consider the availability of horses.

(Source: Amended at 16 Ill. Reg. ____, effective ____)

ILLINOIS RACING BOARD
NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 405
PARI-MUTUELS

Section	State Director of Mutuels
405.10	Duties of the State Director of Mutuels
405.20	Mutuel Department Operations
405.30	Mutuel Employees
405.40	Totalizator (Repealed)
405.50	No Wagers After Start
405.55	Odds Board Control (Repealed)
405.60	Odds Board Update (Repealed)
405.70	Records of All Calculations
405.80	Number of Pari-Mutuel Races
405.90	Ticket Windows
405.100	Sale of Pari-Mutuel Tickets
405.110	Minimum Ticket Prices
405.120	Minimum Pay-Off-Minus Pools-Surcharges
405.130	Payments
405.140	Report Scratches
405.150	Number of Pools
405.160	Multiple of Wagering Pools (Repealed)
405.170	Failure of Starting Gate
405.180	Horses Scratched
405.190	"Official" Sign Final
405.200	Minors Barred
405.210	Lost Tickets
405.220	Mutilated or Altered Tickets
405.230	Information Window
405.240	System Failure
405.250	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, effective September 8, 1980; codified at 5 Ill. Reg. 10886; emergency amendment at 8 Ill. Reg. 22142, effective October 31, 1984, for a maximum of 150 days, amended at 11 Ill. Reg. 12375, effective July 18, 1987; amended at 12 Ill. Reg. 206, effective December 23, 1987; amended at 14 Ill. Reg. 11310, effective July 3, 1990; amended at 15 Ill. Reg. 17646, effective October 16, 1990, amended at 15 Ill. Reg. 591, effective January 3, 1991; amended at 15 Ill. Reg. 2733, effective February 5, 1991; amended at 15 Ill. Reg. 13933, effective September 5, 1991; amended at 16 Ill. Reg. ____, effective ____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Racetrack Operators and Their Duties

2) Code Citation: 11 Ill. Adm. Code 1305

3) Section Numbers Proposed Action

1305.120	Repeal
1305.130	Repeal
1305.140	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).

5) A complete description of the subjects and issues involved: The amendment to Section 1305.140 provides for emergency medical services for participants and patrons at racetracks. This amendment and the repeal of Sections 1305.120 and 1305.130 combine into one rule the personnel and equipment that must be provided during live racing and training hours.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporation by reference? No.

9) Are there any other proposed amendments pending in this Part? No.

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 3, 1992.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Types of small business affected: None.

C) Reporting, bookkeeping or other procedures required for compliance: None.

D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Published in Rules and amended of Harness Racing, (Original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 111. Reg. 27, p. 275, effective July 10, 1978; amended at 4 111. Reg. 21, 0. 85, effective May 9, 1980; codified at 5 111. Reg. 10923; amended at 6 111. Reg. 11063, effective September 1, 1982; amended at 9 111. Reg. 9165, effective May 30, 1985; amended at 14 111. Reg. 17661, effective October 16, 1990; amended at 14 111. Reg. 20052, effective December 4, 1990; amended at 16 111. Reg. _____, effective _____.

Section 1305.120 Ambulance for Racing Strip (Repealed)

[illegible]

(Source: Revealed at 16 Ill. Reg. ____, effective

Section 1305.130 First Aid Station (Repealed)

THE FACE TRACK OPERATOR/ENHANCER/STATION/OT/ENHANCING ROOM/WHERE/AMBULATOR/PATIENTS/ANDY/PRESENT/THEMES/IVES/POY/DIAGNOSIS/AND
FACEDMENT!

(Source: *Revealed at 16 Ill. Reg.* _____, effective _____)

Section 1305.140 Emergency Medical Services

ALL race, track, operators // during the period within which they are conducting a race meeting // shall furnish licenses of physical condition // an advanced emergency medical technician // certified by the department of public health // in an advanced service by an advanced life support program // approved by the department of public health // each day that they are on duty may be opened for racing and shall furnish a registered nurse // each day that their tracks may be opened for racing // everying horse // such medical personnel // render medical services // or treatment // to all horses // attending // grooming // or other persons // lawfully employed // or engaged in any race meeting // without charge // to such persons.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11. ALCOHOL HORSE RACING. AND LOTTERY.

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

CHAPTER F: RULES AND REGULATIONS OF HARNESS RACING

PART 1305

PACE TRACK OPERATORS AND THEIR DUTIES

Section	Definition of Race Track Operator
1305.10	Application
1305.20	Time for Filing Applications
1305.30	Conditions of License
1305.40	Lease of Race Track (Repealed)
1305.45	Written Disclosure
1305.50	Notice of Changes
1305.60	Political Contributions
1305.70	Termination of License
1305.80	Wagering On Races Conducted off of Premises
1305.90	Reciprocal Suspensions
1305.100	Horse Ambulance
1305.110	Ambulance for Racing Strip (Repealed)
1305.120	First Aid Station (Repealed)
1305.130	Emergency Medical Services
1305.140	Illinois Racing Board Office
1305.150	Moving Office (Repealed)
1305.170	Judges' Stand
1305.180	Drivers' Bench
1305.190	Stabling of Horses
1305.200	Stall Numbers and Distance Poles
1305.220	Licensed Outrider
1305.230	Drinking Fountains and Rest Rooms
1305.240	Telephones
1305.250	Broadcasting and Telecasting
1305.260	Pest Control
1305.270	Alcohol Sales
1305.280	Track Lights
1305.290	Fire Prevention
1305.300	Backstretch Paging System
1305.310	Admissions
1305.320	Inspection Report
1305.330	Lottery Events at Race Tracks
1305.340	Off-Track Betting Agencies of Other States
1305.350	Reporting of Horsemen's Purse Account
1305.370	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) To ensure the safety of racetrack participants and patrons, during hours of live racing the organization shall provide two ambulances, equipped to provide advanced life support/mobile intensive care as defined in the Illinois Emergency Medical Services Systems Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 5501 et seq.), manned by two emergency medical technicians-paramedics as defined in the same Act.
- b) During exercise/training periods, the organization shall provide one ambulance manned by two EMT-Paramedics and equipped to provide advanced life support/mobile intensive care.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulations for Meetings
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Numbers Proposed Action
 1424.100 Repealed
 1424.170 Amendment
 1424.175 Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: The repeal of 1424.100 eliminates a duplicate rule, the restriction on number of races run per day appears in Section 405.90 (11 Ill. Adm. Code 405.90). The amendment to Section 1424.170 provides for emergency medical services for participants and patrons at racetracks. This amendment and the repeal of 1424.170 combines in one rule the personnel and equipment that must be provided during live racing and training hours.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? Yes, Section 1424.250, 15 Ill. Reg. 1266, January 17, 1992.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Illinois Racing Board
 Legal Department
 100 West Randolph, Ste. 11-100
 Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

ILLINOIS RACING BOARD

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 3, 1992.

B) Types of small business affected: None.

C) Reporting, bookkeeping or other procedures required for compliance: None.

D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1424
REGULATIONS FOR MEETINGS

Section	
1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Paging System
1424.160	Camera
1424.170	Emergency Medical Services
1424.175	Manned Ambulance (Repealed)
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephone and Telegraph
1424.240	Calls Through Switchboard
1424.250	Races for Illinois Horses
1424.260	Breeder Awards
1424.270	Admission to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

a) To ensure the safety of racetrack participants and patrons, during hours of live racing the organization shall provide two

intensive care as defined in the Illinois Emergency Medical Services Systems Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 5501 et seq.), manned by two emergency medical technicians-paramedics as defined in the same Act.

b) During exercise/training periods, the organization shall provide one ambulance manned by two EMT-Paramedics and equipped to provide advanced life support/mobile intensive care.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 1424.175 Manned Ambulance (Repealed)

effective _____.

Section 1424.100 Races Per Day (Repealed)

[illegible]

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 1424.170 Emergency Medical Services

ALL / race / track operators, during the period within which they are conducting a race meeting, shall furnish a license or photograph each day that their tracks may be opened for racing, shall furnish a registered / trained nurse to render medical services or treatment to all horsemen / exercise boys / grooms, or other persons lawfully employed or licensed at such meetings without charge to such patients. The operators shall also maintain a first aid station or examining room where ambulatory patients may present themselves for diagnosis and treatment.

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers:
- 1030.30
- Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 2-104(b)) and Section 6-104(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-104(a)).
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the classification system governing Illinois driver's licenses, and clarifies that rental vehicles may be operated for personal use without a Class C classification.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1030.11	Amendment	16 Ill. Reg. 1271 (January 17, 1992)
1030.84	Amendment	15 Ill. Reg. 14198 (October 4, 1991)
10) <u>Statement of Statewide Policy Objective:</u>	This rulemaking will have no effect on local units of government.	

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy G. Easum
Deputy General Counsel
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-6250

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

- Section 1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License
1030.15 Cite for Re-examination
1030.20 Classification of Drivers-References
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Employer Certification Program
1030.63 Religious Exemption for Social Security Numbers
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts/Road Test
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Licenses
1030.90 Requirement For Photograph and Signature of Licensee On Driver's License
1030.91 Disabled Person/Handicapped Identification Card
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Consular Licenses
1030.100 Anatomical Gift Donor
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030. Appendix A Questions Asked of a Driver's License Applicant
1030. Appendix B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at

NOTICE OF PROPOSED AMENDMENT(S)

- 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; amended at 16 Ill. Reg. 2182, effective _____.

Section 1030.30 Classification Standards

- a) For purposes of this Section, the following definitions shall apply:
- "Endorsement" - an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.
- "Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit or units, or the combined registered weight of the power unit plus the towed unit, whichever is greater.
- "Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single or combination of vehicles, or the registered gross weight, whichever is greater.
- "Hazardous Material" - a substance in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802.)
- "Immediate Family Member" - Parent, child, sibling, grandparent, step-parent, step-child, step-sibling, step-grandparent.
- "Secretary of State" - the Secretary of State of Illinois.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

successfully completed a safety course regarding safe operation of the vehicle.

4) Class D:

A) Any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials which would require such vehicle to be placarded; or

B) Any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used

in the transportation of hazardous materials which would require such vehicle to be placarded, towing any vehicle providing the GCWR is less than 26,001 pounds.

Holders of a Class D license may operate all vehicles within Class D, and may operate rental vehicles up to 26,000 pounds when transporting an individual's own personal property or that of an immediate family member for non-business purposes within the state, if the individual has successfully completed a safety course regarding the safe operation of the vehicle, but are not authorized to operate motorcycles or motor driven cycles.

5) Class L: Any motor driven cycle. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-148.)

6) Class M: Any motorcycle. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-147.)

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

"Safety Course" - an explanation, which is provided by a rental agency to an individual during the rental transaction, concerning the controls and features of the vehicle and its proper operation.

b) Driver's License Classification System

All driver's licenses issued by the Office of the Secretary of State after April 1, 1990, shall be classified as to the kind and type of vehicle(s) the holder is licensed to drive, as follows:

1) Class A: Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds. Holders of a Class A license may, with the appropriate or required endorsements, operate all vehicles within Class A, B, C, and D, but are not authorized to operate motorcycles or motor driven cycles.

2) Class B: Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Holders of a Class B license may, with appropriate or required endorsements, operate all vehicles within Class B, C and D, but are not authorized to operate motorcycles or motor driven cycles.

3) Class C:

A) Any single vehicle with a GVWR of 16,001 or more pounds but less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; or

B) Any vehicle less than 26,001 pounds GVWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded; or

C) Any vehicle less than 26,001 pounds GVWR designed to transport 16 or more people including the driver or used in the transportation of hazardous materials which requires the vehicle to be placarded, towing a vehicle with a GVWR of 10,000 pounds or less or with a GCWR of less than 26,001 pounds.

Holders of a Class C license may operate all vehicles within Class C and D, but are not authorized to operate motorcycles or motor driven cycles. A Class C license is not required to operate rental vehicles when transporting an individual's own personal property or that of an immediate family member for non-business purposes within this State, if the individual has

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NOTICE OF ADOPTED REPEALER

NOTICE OF ADOPTED REPEALER

Name: Nancy J. Bennett, General Counsel
Address: Illinois Department of Alcoholism and Substance Abuse
SOIC 100 W. Randolph, Suite 5-600
Chicago, IL 60601
Telephone: (312) 814-6329

- 1) The Heading of the Part: Award Criteria and Procedure
- 2) Code citation: 77 Ill. Adm. Code 2031
- 3) Section Numbers: Adopted Action:
2031.10 Repealer
- 4) Statutory Authority: Alcoholism and Substance Abuse Act, Supp. to Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 6301 et seq.
- 5) Effective Date of Repealer: February 4, 1992
- 6) Does this repealer contain incorporations by reference?
Is so, please specify date: Yes X No
- 7) Does this repealer contain incorporations by reference? No.
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: January 9, 1992
- 9) Notice of Proposal Published in Illinois Register:
June 28, 1991, 15 Ill. Reg. 9149.
- 10) Has JCAR issued a Statement of Objections to this repealer?
No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: No
changes were requested.
- 13) Will this repealer replace an Emergency Rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s): This rule is being repealed, so this is not relevant.
- 16) Information and questions regarding this adopted repealer shall be directed to:

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2030.820 New
2030.830 New
2030.840 New
2030.850 New
2030.910 New
2030.1010 New
2030.1020 New
2030.1030 New
2030.1040 New
2030.1050 New
2030.1060 New
2030.1070 New
2030.1080 New
2030.1090 New
2030.1110 New
2030.1120 New
2030.1130 New
2030.1140 New
2030.1150 New
2030.1160 New
2030.1205 New
2030.1210 New
2030.1215 New
2030.1220 New
2030.1225 New
2030.1230 New
2030.1245 New
2030.1250 New
2030.1255 New
2030.1265 New
2030.1310 New
2030.1320 New

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, paragraph 6354-1(b).
- 5) The effective date of adopted rule: February 4, 1992
- 6) Does this rule adoption contain an automatic repeal date? No.
- 7) Does this rule adoption contain incorporation by reference? Yes. Copy of approval by JCAR submitted.
- 8) Date filed in agency's principal office: January 13, 1992
- 9) The date the Notice of Proposed Amendments was published in Illinois Register: June 28, 1991, 15 Ill. Reg. 9083.

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- 1) Heading of Part: Award and Monitoring of Funds
- 2) Code Citation: 77 Ill. Adm. Code 2030
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2030.10	New
2030.20	New
2030.30	New
2030.40	New
2030.100	New
2030.105	New
2030.107	New
2030.110	New
2030.115	New
2030.120	New
2030.130	New
2030.140	New
2030.150	New
2030.160	New
2030.210	New
2030.220	New
2030.230	New
2030.310	New
2030.320	New
2030.330	New
2030.340	New
2030.350	New
2030.360	New
2030.410	New
2030.420	New
2030.430	New
2030.440	New
2030.450	New
2030.510	New
2030.520	New
2030.530	New
2030.540	New
2030.550	New
2030.610	New
2030.620	New
2030.710	New
2030.720	New
2030.730	New
2030.740	New
2030.750	New
2030.760	New
2030.810	New

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10) JCAR has not issued a statement of objection to the amendments.

11) The following changes from First Notice have been made:

1. In 2030.10 added a sentence regarding rules applicable to Medicaid appropriations.
2. In 2030.20, in the definition of "Provider", added language after "... purposes of the Act" to cite where the purposes are set forth.
- In the definition of "Purchased Care", deleted "as described in this Part."
3. In 2030.40 added subsection (b) to indicate procedure for review to determine the placement of special contract conditions, and renumbered subsections thereafter.
4. In 2030.105, added a citation for the "powers and duties of the Department"; added reference to the Licensure Rules in which they are defined. Added "(n) Recovery homes" and "(o) Early intervention."
5. In 2030.107 added language to specify criteria for Department determination.
6. In 2030.115(b) added language referencing the criteria to be used for request for applications. Added "(e) indicating how persons may get information potential funding."
7. In 2030.130 (e) is changed to specify that purchased programs are exempt from provide requirements, although grant-in-aid funded programs are not. A new subsection is added regarding provider plan and budget requirements for other than grant-in-aid recipients.
8. In 2030.220(c) "or elsewhere in the award document" is added.
9. In 2030.310(c) "sources of income" changed to "refunds."

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10. In 2030.320 added language to clarify the intent. 2030.310 and 2030.320 have section numbers and order reversed.
11. In 2030.330, renumbered a portion of subsection (a) to be subsection (b) and changed (b) to (c), to provide emphasis and clarity. Typo corrected. In subsection (b) added the last sentence specifying that if expenses which require prior approval of the Department are clearly and specifically noted in the provider plan, then its approval is sufficient for Department approval.
12. In 2030.350(d) ceiling is raised from \$200 to \$500.
13. In 2030.360 added language that costs herein are "nonreimbursable for the purpose of rate-setting." In subsection (a) changed \$500 to \$1,000. In subsection (g), cited the State travel regulations. Corrected typing errors in subsection (m), (o) and (w). Added Subsection (x).
14. In 2030.430(b) added "either."
15. In 2030.450 deleted the last paragraph.
16. In 2030.610(j)(2) raised petty cash fund amount to \$500.
17. In 2030.620(a) provided cite for the Single Audit Act and titles for the OMB circular cited.
18. In 2030.710 and .720 limited the quarterly and expense reporting requirement to grant-in-aid recipients. In 2030.720 (a)(5)(A), deleted reference to "requested" disbursements, as no request need be made. Disbursements are automatic.
19. Reordered 2030.730 through 2030.760 dealing with lapsed funds, recovery, and auditing of purchased care and fee-for-service recipients. Duplication is eliminated and recovery process is referenced for each type of funding. It is clarified in new 2030.740(a) that ISFRs are not required from prevention fundees.
20. In 2030.830 limited application of underutilization provision to grants-in-aid.

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21. In 2030.840 deleted "up to a specified ... award document."
22. Deleted "Precondition: from title to Subpart J."
23. In 2030.1010 capitalized "S".
24. In 2030.1110 corrected typo "... under the grants."
25. In 2030.1130 (a) corrected typo "... borne in whole or...."
26. In 2030.1160 (b) corrected "ration" to ratio.
27. In 2030.1205, added the American With Disabilities Act of 1990 (42 U.S.C. 12101).
28. In 2030.1250 changed "grant by" to "from."
29. In 2030.1210 (k), added language citing confidentiality provisions applicable to hospital providers.
30. In 2030.1320(a), changed the definition of "prevention." Added Subsection (c) regarding prevention fees.
31. Added the following to Section 2030.30(b):
Reasons for exceptions will be things such as, but not limited to: shortage of services in the recipient's service area; disaster or emergency conditions suffered by a recipient; and new and/or non-customary or non-substantive services provided by the recipient and approved by the Department (for example, demonstration projects).
32. Added the following text to better clarify policy:
 - a) In Section 2030.115(a), after "welfare": ", data and statistics reported to and collected by the Department, ongoing evaluation of current programs and services, evaluation of projected or unmet needs statewide, geographical or cultural demands and other appropriate factors".
 - b) In Section 2030.115(a)(3): "(taking into account the evaluative provisions in (a)(4) below as to

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- existing services in relationship to statewide needs)".
33. Added the following text to Section 2030.115(e): "The Department will also provide guidelines and advisory materials to potential recipients regarding preparation of financial and program reports for all awards."
 34. Added "(Subpart D of this Part)" after "principles" in Sections 2030.150(b)(6) and 2030.540(d).
 35. Deleted the phrase "within generally accepted sound business practices, and" from Section 2030.320(a)(3) and added this text to that Section: "such as, but not limited to: Federal and State tax provisions; 77 Ill. Adm. Code 2058; and local zoning and other ordinances".
 36. In Sections 2030.320(a)(5) after "generally accepted accounting principles", corrected the citations.
 37. Added the text "(see SubpartC)" to the second to last sentence of Section 2030.450 to cross-reference its approval procedures of alternative fee systems.
 38. Deleted "clearly defined and" from Section 203.610(d).
 39. Added the text "(such as the Grant Funds Recovery Act; State Finance Act (Ill. Rev. Stat. 1989, ch. 127, par. 137 et seq.); and the Alcohol and Drug Abuse and Mental Health Services Block Grant (42 U.S.C.A., Section 300, et seq. (1991)).
 40. Added "the terms of this Part" in lieu of "of" in the phrase "or terms of the award document" in Section 2030.1040(a).
 41. Deleted the text in the second sentence of Section 2030.1225 up to the word "comply", inserting in lieu thereof "they shall" and adding after "regulations": ", including but not limited to those in Section 2030.1205(a)".
 42. Numerous punctuation, grammatical and typographical corrections.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

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13) Will this amended rule replace an emergency rule currently in effect? No.

14) Are there any other proposed amendments pending on this Part?
No.

15) Summary and Purpose of Amendments:
Current rules regarding Department fund awards had become inadequate and outdated. The rewrite streamlines award disbursement, simplifies the oversight process and raises various caps which trigger DASA review. The rules have been made consistent with federal law and state practice. The provider plan is simplified, auditing and other reporting requirements are lessened, and purchased care funding is specifically incorporated. Recipients should realize savings in administrative burden which resources can be transferred to client services.

16) Information and questions regarding these adopted amendments should be directed to:

Nancy J. Bennett, General Counsel
Department of Alcoholism and Substance Abuse
State of Illinois Center
100 W. Randolph Street, Suite 5-600
Chicago, IL 60601

The full text of the Adopted Rules is as follows:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
SUBCHAPTER C: ADMINISTRATION OF FUNDING

PART 2030
AWARD AND MONITORING OF FUNDS

SUBPART A: GENERAL

Section
2030.10
2030.20
2030.30
2030.40

Applicability
Definitions
Exceptions
Special Award Conditions

SUBPART B: AWARD CRITERIA AND PROCEDURE

Section
2030.100
2030.105
2030.107
2030.110
2030.115
2030.120
2030.130
2030.140
2030.150
2030.160

Recipient Eligibility
Services Eligible for Grant-in-Aid Funding
Services Eligible for Purchased Care or Fee-for-Service Funding
Other Activities for Which Awards May be Made
Award Process
Department Budget Planning Requirements
Provider Plan/Recipient Budget
Award Document
Subawards
Modification or Amendment of the Award Document

SUBPART C: DEPARTMENT APPROVAL FOR PROGRAMMATIC AND BUDGET
REVISIONS AND FOR COSTS REQUIRING PRIOR APPROVAL

Section
2030.210
2030.220
2030.230

Process
Programmatic Changes
Budget Revision

SUBPART D: COST PRINCIPLES/ALLOWABILITY

2030.310
2030.320
2030.330
2030.340
2030.350
2030.360

Applicability
Allowable Costs
Approval of Costs
Allocation of Costs/Direct and Indirect Costs
Costs Allowable with Prior Approval of the Department
Unallowable or Limited Costs

ILLINOIS REGISTER

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SUBPART K: TERMINATION, SUSPENSION, CLOSEOUT

SUBPART E: NON-DEPARTMENTAL FUNDING

Section

- 2030.1010 Definitions
- 2030.1020 Unilateral Termination
- 2030.1030 Termination by Agreement
- 2030.1040 Termination or Suspension for Cause
- 2030.1050 Actions on Termination
- 2030.1060 Suspension Process
- 2030.1070 Summary Suspension
- 2030.1080 Termination for Cause Process
- 2030.1090 Closeout

Section

- 2030.410 Non-Departmental Funding
- 2030.420 Record Keeping
- 2030.430 Program Income
- 2030.440 Maintenance of Effort
- 2030.450 Client Fees

SUBPART F: MATCHING AND COST PARTICIPATION REQUIREMENTS

Section

- 2030.510 General
- 2030.520 Definitions
- 2030.530 Eligible Costs
- 2030.540 Criteria for Contributions
- 2030.550 Valuation of In-Kind Contributions

SUBPART G: FINANCIAL MANAGEMENT

Section

- 2030.610 Accounting and Financial Management Requirements
- 2030.620 Audit Requirements

SUBPART H: FINANCIAL REPORTING

Section

- 2030.710 General
- 2030.720 Quarterly Revenue/Expense Reports -- Grant-in-Aid Recipients
- 2030.730 Lapsed Grant-in-Aid Funds
- 2030.740 End of the Year Report
- 2030.750 Purchased Care/Fee-for-Service Invoicing and Auditing
- 2030.760 Exempt Recipients

SUBPART I: MONITORING AND REPORTING OF PROGRAM PERFORMANCE

Section

- 2030.810 Site Visits
- 2030.820 Reports
- 2030.830 Underutilization
- 2030.840 Criminal Justice System Referrals
- 2030.850 Prior Submissions

SUBPART J: FUND DISBURSEMENT

Section

- 2030.910 General

SUBPART L: PROPERTY MANAGEMENT STANDARDS

Section

- 2030.1110 Scope
- 2030.1120 Definitions
- 2030.1130 Real Property
- 2030.1140 Non-Expendable Personal Property
- 2030.1150 Expendable Personal Property
- 2030.1160 Copyrights, Patents and Royalties

SUBPART M: GENERAL PROVISIONS REGARDING AWARD PERFORMANCE

Section

- 2030.1205 Civil Rights/Nondiscrimination
- 2030.1210 Compliance During Award Period
- 2030.1215 Conflict of Interest
- 2030.1220 Notices
- 2030.1225 Personnel Administration
- 2030.1230 Procurement Standards
- 2030.1245 Protection of Client Records/Confidentiality
- 2030.1250 Publicity and Publications
- 2030.1255 Retention and Access Requirements for Records
- 2030.1265 Severability

SUBPART N: SPECIAL PROVISIONS

Section

- 2030.1310 Special Provisions for Purchase of Medical Services
- 2030.1320 Special Provisions for Prevention Services

AUTHORITY: Authorized by the Illinois Alcoholism and Substance Abuse Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 6351-1 et seq.)

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SOURCE: Adopted at 8 Ill. Reg. 24016, effective December 5, 1984; Old Part repealed, new Part adopted at 16 Ill. Reg. 2457, effective February 4, 1992.

SUBPART A: GENERAL

Section 2030.10 Applicability

a) Scope

The rules and regulations contained in this Part are applicable to Illinois Department of Alcoholism and Substance Abuse expenditures or awards of funds, grants or services, in order to fund or assist programs relating to alcoholism and other drug abuse and dependency, or to fulfill other duties as authorized by the Department's enabling Act and by the funding source. The financial assistance may be in the form of grants-in-aid, purchased-care or fee for service arrangements or other agreements for disbursements of funds (Federal or State), property or services, in order to effectuate the purposes of the Act. Monies appropriated in the Department's budget for Medicaid reimbursement shall be governed by the rules for Subacute Alcoholism and Substance Abuse Treatment Services, 77 Ill. Adm. Code Part 2090, and by pertinent Federal and Illinois Department of Public Aid statutes, rules and regulations. This Part does not apply to operational money of the Department.

b) General

Should any applicable Federal or State law or regulation be broader or less restrictive than rules in this Part, recipients are subject to the narrower more restrictive applicable provisions.

c) Subawards

Each substantive provision in this Part shall apply to subawards as it does to awards unless the provision says otherwise.

Section 2030.20 Definitions

The following definitions shall apply to this Part:

"Act" means the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6351-1 et seq.).

"Award" means financial assistance in the form of money, property or services in lieu of money, by the Department to an eligible recipient, whether by grant or contract, involving Federal, State or other funds for which the Department has administrative responsibility and authority.

"Client" means a person who receives services under a Department-funded

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program by a provider.

"Demonstration" means a project wherein money is awarded for a period of time to eligible recipient(s) in order to evaluate the feasibility and efficacy of alternative methods of attaining the goals and purposes of the Act.

"Department" means the Department of Alcoholism and Substance Abuse of the State of Illinois.

"Director" means the Director of the Department.

"Fee-for-service" means an award to an eligible recipient based upon a rate of reimbursement for specified services (as, for example, purchase of medical services and purchased care arrangements).

"Grant-in-aid" means an award for the purpose of general financial assistance to an eligible provider program, to be used for costs allowable by this Part.

"Provider" means any public or private nonprofit agency, organization, or institution, or unit of state or local government, or a for profit agency where an award to such would be appropriate and consistent with the purposes of the Act (as set forth in Sections 1-102 and 4-101 of the Act) and the funding source, or other legal entity to which an award is made by the Department, and which is accountable to the Department for the use of the funds provided. The term "provider" does not include individuals who ultimately receive benefits under or are volunteers participating in any funded program. Generally the term refers to programs which receive awards, and which actually provide intervention, prevention, and/or treatment services.

"Purchased care" means a specific type of fee for service as set forth in the Individual Service Payment System Manual compiled by the Department's Office of Purchased Care.

"Recipient" is a general term for any person or organization which receives an award or subaward under this Part. It includes but is not limited to the terms provider and subprovider.

"Subaward" means financial assistance in the form of money, property or services, in lieu of money, made under an agreement by a provider to an eligible subprovider or a recipient to an eligible subrecipient. The term includes financial assistance when provided by award, subgrant, contract or subcontract, but does not include procurements of commodities

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and supplies or incidental support services such as janitorial, catering, laundry, or building maintenance services.

"Subprovider" means any public or private nonprofit award recipient, organization, institution or unit of state or local government, or a for profit agency where an award to such would be appropriate and consistent with the purposes of the Act and the funding source, or other legal entity to which a subaward is made and which is accountable to the provider and the Department for the use of the funds. The subprovider is the entire legal entity even if only a particular component of the entity is designated in the subaward document. This definition does not include persons or entities which provide incidental support services or supplies, materials or equipment to funded programs. Generally the term refers to programs which are recipients of awards and which actually provide intervention, prevention, and/or treatment services.

"Terms of an award or subaward" means all requirements of the award or subaward whether in statute, regulations, or the award document.

Section 2030.30 Exceptions

- a) Except as provided in Section 2030.40, an exception shall be required for:
 - 1) Use of any policy, procedure, form, standard, or award or subaward term which is inconsistent with an applicable provision of this Part, or
 - 2) Failure to use any applicable policy, procedure, form, standard, or award or subaward term which is required by this Part.
- b) In order to maintain uniformity to the greatest extent feasible, the Department will endeavor to keep exceptions to a minimum. An exception, whether proposed by an applicant, a fund recipient, or an official of the Department, will be authorized only when it is necessary to meet programmatic objectives, or to conserve award funds, and provided it is deemed by the Department to further the purposes of the award. Reasons for exceptions will be things such as, but not limited to: shortage of service in the recipient's service area; disaster or emergency conditions suffered by a recipient; and new and/or non-customary and/or non-routine services (for example demonstration projects).
- c) Requests made by an applicant or fund recipient shall be made in writing and indicate the basis, rationale or need for the exception. The Department shall revoke any exception granted where the circumstances which gave rise to the exception no longer exist, or where any conditions imposed by the granting of such requests are not followed. The recipient shall notify the Department in writing

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within ten (10) working days when the circumstances which gave rise to the exception no longer exist.

- d) When an executed award document contains specific conditions contrary to specific provisions of this Part, an exception shall be deemed to have been granted. Awards given other than as grant-in-aid (e.g., purchased care) shall have specific requirements appropriate to the use of the award funds set forth in the award document.

Section 2030.40 Special Award Conditions

- a) Conditions more restrictive than those prescribed in this Part shall be imposed as necessary to accomplish the purposes of the Act, as for example (but not limited to), if the recipient:
 - 1) Has not adhered to generally accepted accounting principles,
 - 2) Cannot document fiscal solvency,
 - 3) Has not expended funds in accordance with the terms of the award,
 - 4) Has not adhered to programmatic, clinical, licensure, reporting or administrative requirements of an existing or past Department award (regardless of whether the requirement is technical or substantive),
 - 5) Has not met the levels of service and/or frequency of client contact as set forth in the award document,
 - 6) Is a new or unproven provider of services or a new recipient, or
 - 7) If the Department has need to impose such condition in order to fulfill its duties or agreements with other agencies or reasonably deems such to be in the best interests of the people of the State.

- b) Awards shall be reviewed by a Department regional manager or a project officer and a Deputy Director prior to issuance in order to determine whether special conditions are appropriate based on the above criteria.
- c) Special conditions imposed at the time of the award will be included in the award document. The Department will notify the recipient in writing of the special condition(s) and its basis when any condition is imposed during the period of performance.
- d) Recipients shall apply the provisions of this Section to their subrecipients. Whenever they do so, a copy of the notice to the subrecipient shall be furnished to the Department.

SUBPART B: AWARD CRITERIA AND PROCEDURE

Section 2030.100 Recipient Eligibility

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- a) Grant-in-aid awards are made to public or private nonprofit organizations, institutions, units of state or local government, and other legal entities. Nonprofit organizations are defined as organizations that are corporations or associations no part of whose net earnings may lawfully inure to the benefit of any private share holder or individual.
- b) Proof of nonprofit status must be submitted with the application for funding or, if previously filed with the Department the applicant must state where and when the proof was submitted. Any of the following is acceptable evidence of nonprofit status:
 - 1) A reference to the applicant organization's listing in the Internal Revenue Service's most recent list of tax-exempt organizations described in the Internal Revenue, Title 26 U.S.C.A. 501(c)(3), hereinafter referred to as IRS 501(c)(3).
 - 2) A copy of a currently valid Internal Revenue Service tax exemption letter.
 - 3) A statement from the Illinois Department of Revenue or the Illinois Attorney General certifying that the applicant organization has a current nonprofit status.
 - 4) A certified copy of the organization's certification of incorporation filed with the Illinois Secretary of State that clearly establishes nonprofit status, and a copy of the annual report required by the Secretary of State for the current year.
 - 5) Any of the above proof for a parent organization and a statement signed by the parent organization that the applicant organization is a local nonprofit affiliate.
- c) Awards other than grant-in-aid shall be made to recipients as appropriate to the purpose of the award.
- d) For profit recipients must provide a certified copy of the organization's certificate of incorporation or other appropriate and necessary authorization to do business in the State filed with the Illinois Secretary of State and a copy of the annual report required by the Secretary of State for the current year.

Section 2030.105 Services Eligible for Grant-In-Aid Funding

Grant-in-aid awards shall be made to support alcohol and other drug abuse prevention, intervention, treatment and appropriate related services, such as sanctuaries, as well as demonstration projects or research, as deemed appropriate under the powers and duties of the Department (as set forth in Section 4-101 of the Act). The following service functions are eligible for such grants:

- a) Adult residential rehabilitation, as defined and licensed under the Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (Licensure Rules), 77 Ill. Adm. Code 2058;

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- b) Adolescent residential rehabilitation, as defined in the Licensure Rules;
- c) Halfway house, as defined in the Licensure Rules;
- d) Adult social setting detoxification, as defined in the Licensure Rules;
- e) Adult medical detoxification, as defined in the Licensure Rules;
- f) Adolescent medical detoxification, as defined in the Licensure Rules;
- g) Adult outpatient, as defined in the Licensure Rules;
- h) Adolescent outpatient, as defined in the Licensure Rules;
- i) Adult intensive outpatient, as defined in the Licensure Rules;
- j) Adolescent intensive outpatient, as defined in the Licensure Rules;
- k) Adult medical detoxification outpatient, as defined in the Licensure Rules;
- l) Intervention services to provide screening, assessing, referring and tracking of drug abuse clients as defined in the Licensure Rules;
- m) Sanctuaries;
- n) Recovery homes;
- o) Early intervention activities;
- p) Prevention activities as set forth in Section 2030.1320 herein; and
- q) Other appropriate alcohol and drug abuse services.

The direct services and any ancillary or support services of the program which are allowable expenses under this Part may be supported by the grant as set forth herein.

Section 2030.107 Services Eligible for Purchased Care or Fee-for-Service Funding

The service functions eligible for grant-in-aid support may also be eligible for purchased care or fee-for-service. The Department pursuant to this Section shall determine the appropriate method of award based on its objectives and how to best serve the needs of the State (as set forth in Department planning documents and Section 4-101 of the Act).

Section 2030.110 Other Activities for Which Awards May be Made

Awards shall also be made for other services as deemed appropriate to the goals, powers and duties of the Department, and as consistent with any limitations on the source of the money and other pertinent laws. Such services may include but are not limited to:

- a) Services set forth under Section 4-102 of the Act to be reimbursed from the Drunk and Drugged Driving Prevention Fund,
- b) Research and/or evaluation as deemed appropriate to the goals, powers and duties of the Department,

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c) Training events or programs.

Section 2030.115 Award Process

a) General - As and when public (Federal, State or other) money is made available to the Department for disbursement, the Director shall seek to award the money consistent with the purposes of the Act, taking into account applicable and appropriate State plans and long term goals and the public health, safety and welfare, data and statistics reported to and collected by the Department, ongoing evaluation of current programs and services, evaluation of projected or unmet needs statewide, geographical or cultural demands and other appropriate factors. Awards shall be made based on:

- 1) An assessment of need for services in order to carry out the purposes and duties of the Department;
- 2) An assessment of the efficacy, cost effectiveness, and practicality of awarding the money in alternative ways;
- 3) An assessment of adequacy or inadequacy of existing services (taking into account the evaluative provisions in (a)(4) below as to existing services in relationship to statewide needs);
- 4) An assessment of the quality of services of potential recipients (including such things as history of compliance with licensure rules and regulations, history of performance in previous or current contract terms, previous performance in programmatic, fiscal and clinical areas, or other indicators of the quality of service for new and/or unproven recipients);
- 5) Any limitations or criteria placed by the source of the money to be awarded.

b) Request for Applications

- 1) If, pursuant to criteria in subsection (a), it is deemed to be in the best interests of the State to solicit proposals regarding the award of money, the Department shall issue a request for application describing the services required, imposing any appropriate limitations and specifications consistent with subsection (a) above, setting forth a specific response date, and describing the form and substance of the application requested.
- 2) The Department may reject any and all applications or any part thereof, may waive immaterial technicalities, may negotiate individually after applications have been examined and evaluated and may accept applications deemed most favorable to the interests and needs of the Department and the people of the State.
- c) Negotiation with Selected Recipients - If, after an assessment of the factors in subsection (a), the Department determines that a

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negotiated award to a selected recipient is the most advantageous and practical method of achieving the purpose of the disbursement and meeting Department goals and public needs, the Department may so award the money.

- d) Recipients who will operate funded programs in geographic areas having mental health boards established pursuant to the Community Mental Health Act (Ill. Rev. Stat. 1989, Ch. 91 1/2, pars. 301 et seq.), (sometimes referred to as "708 boards") and/or public health boards established pursuant to Ill. Rev. Stat. 1989, Ch. 111 1/2, par 2013 (sometimes referred to as "553 boards") shall submit a copy of their application for Department funding to such local boards for their review and comments at the time their application is submitted to the Department. Community mental health boards shall submit to the Department their written review and comments within sixty (60) days after receipt of the application.
- e) Would-be award recipients may request to be placed on a mailing list maintained by the Department. Persons on the list shall receive information regarding new and/or current money available for services provided or contemplated by the would-be recipient. The Department will also provide guidelines and advisory materials to potential recipients regarding preparation of financial and program reports for all awards.

Section 2030.120 Department Budget Planning Requirements

- a) In order to assist the Department in developing its future budget needs, the Department shall require applicants and recipients to provide the following if this information is not available in-house at the Department:

- 1) Current year service levels and costs;
 - 2) Projected changes in current year service levels and costs, along with justification for such changes;
 - 3) Total projected service levels and costs for the budget year;
 - 4) Additional budget supporting documentation when it is required by the Department in order to carry out its duties.
- b) All recipients are required to complete the data required by this Section in a format prescribed by the Department in order to facilitate development and presentation of the annual Department budget.

Section 2030.130 Provider Plan/Recipient Budget

- a) "Provider plan" refers to the currently approved operating fund projected expense forms and related forms.
- b) The provider plan shall be fully executed, as part of the award agreement or contract, and shall, along with the award document,

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serve as the formal statement of mutual expectations between the Department and the recipient regarding realistically-achievable levels of service and cost. The plan is a combination service plan (work plan) and budget. It identifies what services will be provided, to what target group and the geographical area to be served. In addition, it identifies how the services will be financed, and through what budget items and funding sources. It becomes formalized documentation of the agreement between the Department and the provider through mutual execution of the award document.

- c) The budget is the provider's financial plan for carrying out the funded program or services as reported on the provider plan. Some awards and subawards encompass two or more programs or types of services and/or locations. In these cases, the Department shall require that the approved budget be subdivided to show the anticipated cost of each program, service and location.
- d) Providers shall complete the provider plan in a format prescribed by the Department. The format prescribed for use as the provider plan is designed to be consistent with the cost reporting categories contained in the State of Illinois Interagency Statistical and Financial Report (ISFR). These provider plans manifest the commitment of the Department to utilize common cost reporting categories in materials submitted by community-based service providers.
- e) Recipients of purchased care shall be exempt from the requirement of a provider plan for the purchased care funded program. However, where grant-in-aid is awarded for any of the recipient's programs, each such program shall have a provider plan.
- f) Recipients of other fees for service or other types of awards shall be required to have a provider plan only if the Department deems it necessary and so requires. Any recipient who is not required to have a provider plan shall provide a budget of the funded program or project expenses which shall be incorporated into the award document, or shall have a Department approved rate for the funded services. In addition to the budget or rate, there shall be a description of the scope of work or projected service units to be provided.

Section 2030.140 Award Document

The award document is the obligating instrument which provides the basis for Department financial participation in the funded project, service or program. The provider plan, or in instances where a provider plan is not required, the budget or rate of reimbursement and the description of the scope of work or projected service units, shall be a part of the award document. When fully executed they shall formalize the contractual relationship between the

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Department and each recipient indicating the amount of Department funds which will be paid to the recipient, in consideration for the provision of services as described in the provider plan, or the scope of work.

Section 2030.150 Subawards

- a) Activities, responsibilities and obligations of a provider may be subawarded to another organization only with the prior written approval of the Department (see Subpart C). Such subawards shall be conditioned upon subrecipient compliance with all terms and conditions of award document and this Part. In determining whether to grant approval for a subaward the Department will consider:
 - 1) The purpose of the subaward;
 - 2) The ability of the recipient to meet the proposed obligations;
 - 3) The cost-effectiveness of the subaward;
 - 4) The method by which the primary contractor will monitor the subcontractor's performance;
 - 5) Whether licensure requirements have been met;
 - 6) Benefit to the client; and
- 7) Whether the recipient has, by way of the subaward document, placed the same requirements upon the subrecipient as those required of the recipient in the award document and in this Part (flowthrough requirements).
- b) The arrangement shall be formalized in a contract or other written agreement between the parties involved, and include at a minimum:
 - 1) The activities to be performed;
 - 2) The time schedule;
 - 3) The award policies and requirements that are applicable to the subprovider (flow through requirements);
 - 4) Other policies and procedures to be followed;
 - 5) The dollar limitation of the agreement; and
 - 6) The cost principles (Subpart D of this Part) to be used to determine what costs are to be allowed.
- c) The subaward or other written agreement must not affect the provider's overall responsibility for the direction of the project and accountability to the Department.
- d) No approval of any subaward shall be deemed to provide for the incurrence of any obligation by the Department in addition to the total agreed upon price.
- e) The incurrence of any obligation by the recipient with the intent of claiming reimbursement, prior to obtaining any required approval, shall be at the recipient's risk.

Section 2030.160 Modification or Amendment of the Award Document

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- b) Changes in key people
The fund recipient of an award for research (or any other kind of award or subaward if the terms of the award make this rule applicable) shall obtain prior approval:
- 1) To continue the project during any continuous period of more than three months without the active on-site direction of an approved project director, principal investigator, or any other persons named and expressly identified as key project people in the notice of the award or subaward.
 - 2) To replace the project director, principal investigator, or any other persons named and expressly identified as key project people in the notice of award or subaward or to permit any such people to devote less time to the project than was designated in the award or subaward document.
- c) Other programmatic changes
The following shall require prior approval except to the extent explicitly included in the provider plan, scope of work, or elsewhere in the award document as approved by the Department at the time of award:
- 1) Providing financial assistance to a third party by subawarding or any other means.
 - 2) Transferring to a third party, by contracting or any other means, the actual performance of the substantive programmatic work. The term "substantive programmatic work" means activities which are central to carrying out the purpose of the project, and not merely incidental. Transfer of substantive programmatic work does not include purchase of supplies, materials, or equipment; or acquisition of incidental support services, such as janitorial, catering, laundry, and building maintenance services.

Section 2030.230 Budget Revision

- a) Grant-in-aid funded providers having an approved budget shall obtain prior approval for any budget revision which:
- 1) Alters an approved budget line item by \$5,000 or 5% of the approved budget line item amount, whichever is greater. Budget revisions shall be considered on a cumulative basis and where two (2) or more budget revisions are necessary, Department approval shall be required when these percentages or amounts are exceeded;
 - 2) Alters the Department's share of the total program, project or service costs;
 - 3) Results in the creation of a new budget category or a new line item within a budget category;

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- a) Revisions or amendments to an award document shall begin on the effective date of the amendment.
- b) Except as provided in Section 2030.40, no alteration, variation, modification, termination, addition to, or attempted waiver of any of the provisions of an award document shall be valid or binding unless in writing, signed by all the parties and attached to the original award document. The parties agree to renegotiate, modify, or amend the award document should Federal or State law or regulations require alteration of the award document.
- c) Obligations of the State of Illinois will cease immediately without penalty of further payment being required if in any fiscal year the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available sufficient funds for any Department award.

SUBPART C: DEPARTMENT APPROVAL FOR PROGRAMMATIC AND BUDGET REVISIONS AND FOR COSTS REQUIRING PRIOR APPROVAL

Section 2030.210 Process

When requesting a prior approval required by this Part the recipient shall address a written request to the Department regional manager for the region or the "project officer" as designated in the award document and to the Director of the Department. Approval of the request shall be in writing and signed by either the Director or his/her designee.

Recipients shall be responsible for reviewing requests from their subrecipients to determine what approvals are required by this Part and for giving or denying the approval. A recipient shall not approve any action which is inconsistent with the purpose or terms of the Department award. If an action by a subrecipient will result in a change in the overall award or budget and therefore require Department approval, the recipient shall obtain that approval before giving its approval to the subrecipient. Approvals shall not be valid unless they are in writing and signed by an authorized official of the recipient. Within 30 days from the date of receipt of a request for approval, the Department shall review the request and notify the recipient of its decision.

Section 2030.220 Programmatic Changes

Approval will be given for programmatic changes which further the funded project or program without impairing the provision of services or the funded project as set forth in the award or subaward document.

- a) Changes to project scope or objectives
The recipient shall obtain prior approval for any change to the scope or objectives of the approved funded program or project.

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- 4) Transfers funds between programs or services; or
- 5) Is required by a federal sponsoring agency.
- b) Fee-for-service and purchased care recipients shall obtain prior approval for any budget which transfers Department funds between service categories.

SUBPART D: COST PRINCIPLES/ALLOWABILITY

Section 2030.310 Applicability

Principles for allowability/non-allowability of costs set forth herein are the same for grant-in-aid and other award expenses, and for the purpose of rate setting in fee-for-service awards. In grant-in-aid and non-fee-for-service awards, allowable costs set forth herein shall be approved in the provider budget or allocation plan. In fee-for-service awards, rate calculations shall be based on allowable costs as set forth herein.

Section 2030.320 Allowable Costs

- a) To be allowable, award expense costs must meet the following criteria:
 - 1) Be necessary and reasonable for efficient business administration of the funded program, services, or project. For purposes of this Section, "necessary" means those expenditures required to provide the funded program services or project; "reasonable" means those expenditures which augment "or which enhance" the funded program services or project without impairing the provision of necessary services;
 - 2) Be directly or indirectly related to the provision of the funded services or the support or the administration thereof.
 - 3) Be in compliance with State, Federal, or local laws and regulations such as, but not limited to: Federal and State tax provisions; 77 Ill. Adm. Code 2058; and local zoning and other ordinances;
 - 4) Conform to any limitations or exclusions set forth in this Part as to types or amounts of cost items;
 - 5) Be determined in accordance with generally accepted accounting principles under the accounting standards set forth in "Government Auditing Standards," United States General Accounting Office, July 1988 (the "Yellow Book"); "Cost Principles for Nonprofit Organizations," OMB Circular No. A-122 (6/27/80); and "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations," OMB Circular No. A-110 (7/30/76) and OMB Circular No. A-133 (3/16/90); and
 - 6) May not be recoverable, directly or indirectly, through another

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- b) Expenditures of a similar nature and for comparable purposes shall be treated consistently in the accounting records and financial reports of the provider.
- c) All credits, discounts, allowances or refunds directly or indirectly attributable to an expenditure shall be treated on all financial reports to the Department as a reduction of such expenditure.

Section 2030.330 Approval of Costs

- a) All funded expenditures, to be allowable, must be approved by the Department. The Department's approval of the provider plan shall constitute approval of the expenditures identified therein, provided that such expenditures are not otherwise excluded or limited by this Part. If such expenditures are limited or excluded by this part, approval of the provider plan will constitute approval of such costs only if they are clearly and specifically identified to the Department as being costs which are limited or excluded unless approved by the Department. If such identification is made and the provider plan approved, then the approval process set forth in Section 2030.210 is not required.

- b) Recipients not required to have a provider plan shall have a budget of allowable expenses or a rate for services approved by the Department prior to award expenditures, which budget or rate is incorporated into the award document.

- c) Expenditures which are not approved as set forth in subsection (a) require specific prior approval from the Department in writing as set forth in Subpart C. In the case of subawards, no approval shall be given which is inconsistent with the purpose or the terms of the Department award. The Department will approve such expenditures if the recipient furnishes reliable written documentation that the benefit to be derived from the expenditure is justified based upon need and cost, that the costs are consistent with the terms of the award document, and that the recipient can perform all requirements of the award document without additional Department funding.

Section 2030.340 Allocation of Costs/Direct and Indirect Costs

- a) All allowable expenses that can be identified to a specific funded program or project should be directly charged to that program or project. Allowable reimbursable expenses not directly identified to a Department funded program or project must be allocated to all program services, both funded and unfunded. The total award will be

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based on the sum of the allowable direct and allocable indirect costs less any applicable credits.

- b) Each recipient must adopt a cost allocation plan by an acceptable method and apply it consistently in the application for the award, the provider plan, and all required financial reporting.

- c) All costs included in the allocation plan shall be supported by formal accounting records which substantiate the propriety of eventual charges.

Section 2030.350 Costs Allowable with Prior Approval of the Department

- a) Data processing costs including purchase or rental of equipment, service center costs and outside consultants;
b) Building space costs including rent, maintenance, alterations, remodeling costs and/or real estate acquisitions;
c) Indirect cost methodology and rate;
d) Inservice training

The cost of staff attending meetings and conferences held within 250 miles of Illinois are allowable if the individual registration fee is \$500 or less, the meeting concerns direct client care issues, and attending personnel are involved in supervising or providing direct care to clients on a regular basis or if the meeting is sponsored by or at the request of a state human service department or other primary funding source. Prior approval is necessary for meetings exceeding these limits;

- e) Lease agreements for items of equipment as well as any servicing agreement for the items and/or supplies used in its operation (s) if the annualized cost will exceed \$5,000;

- f) Management studies and management consultant costs;

- g) Non-expendable personal property the unit cost of which is expected to exceed \$5,000;

- h) Pre-award costs;

- i) Professional or technical contracts if, in an award period, the total value to any one person or entity is in excess of \$5,000 including legal, accounting, medical, architectural and psychological consulting services, and vocational consulting;

- j) Reserve fund establishment, or additions to a reserve fund from award funds;

- k) Expenses resulting from transactions with related persons or organizations or with those who have control or common ownership will be considered as a part of allowable expenses to the extent that the expenses represent the actual expense to the related persons or organizations (the "qualifying expenses" of the related persons or organizations).

For example, a fund recipient may rent a building from a related

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person or organization. The expenses qualifying for reimbursement are limited to the actual expenses of the related person or organization (such as depreciation, interest on mortgage, real estate taxes, insurance, and other approved expenses) rather than the amount paid by the fund recipient to the related person or organization. Thus, the net effect is to treat the rented facility as though it were owned by the fund recipient.

An exception is allowed for rental or lease expenses paid to a lessor which is exempt under Section 501(c)(2) of the Internal Revenue Code (or its equivalent as determined by the Internal Revenue Service) and which would be a related organization to the extent that such expense shall not exceed 110% of fair rental or market value. "Fair rental value" means rents of comparable property as determined by current offers for property rental in the area. In the case of a sale from a related person or organization "fair market value" means an amount not to exceed 110% of the sale price of comparable property as determined by the record of property sales in the area in the preceding six (6) months. In order to qualify for the exception the "relationship" and lease or sale terms must be disclosed in writing to the Department.

"Related persons or organizations" and those with "control or common ownership" include:

- 1) Relatives of the fund recipient's management staff, board of directors, employees, or owners including a spouse, natural or adoptive parent, stepparent, child, sibling, adopted child, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparent and grandchild;

- 2) Parties with a less-than-arms-length relationship such that one party does or has the appearance of being able to control or substantially influence the actions or policies of another directly or indirectly. Such relationship exists between but is not limited to: divisions of an organization; organizations under common control through common officers, directors, or members; and an organization and a director, trustee, officer, or key employee of the organization or his immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

Section 2030.360 Unallowable or Limited Costs

The following expenditures are not reimbursable from Department award funds and are non-reimbursable costs for the purpose of rate-setting. The limitations established herein are not to be construed as applying to non-Department funding sources of a fund recipient.

- a) Certain Association Membership Dues

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The cost of membership in substance abuse treatment and prevention professional associations is allowable provided: the benefit from the membership is related to the funded program; the expenditure is for organization rather than individual membership; the cost of the membership is reasonably related to the value of the services or benefits received and does not exceed 1% or \$1,000 of the Department award, whichever is less; and the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation;

- b) Research expenses are not allowable unless specifically authorized in the award document;
- c) Insurance benefits
The Department will only allow the cost of accidental death, health, casualty loss to property, liability, life and disability insurance and retirement plans as they apply to all eligible full-time employees of the fund recipient and a pro-rata share of salaried part-time employees. To the extent required by Federal or State law or by insurance contract(s), comparable costs will be allowed for hourly employees;
- d) Compensation to board members or owners are not allowed, except as set forth in this subsection.
Reimbursement of reasonable transportation and other travel expenses related to attending fund recipient board meetings and other fund recipient-related business is allowable subject to the organization's employee travel policies and if approved through its budget. However, to the extent services have been rendered in a work capacity other than ownership or board functions by such individuals, and if prior approval is granted by the board of directors (minus the interested member) reimbursement may be given. It shall not exceed compensatory rates which would be paid to non-controlling persons for comparable services;
- e) Entertainment
The costs of non-client entertainment is not reimbursable;
- f) Dues and costs of attending professional meetings
Expenditures for dues (other than as provided in subsection (a)) and costs related to attending professional meetings (other than those provided for in Section 2030.350(d) related to in-service training) to conduct a provider's professional business shall not be reimbursable;
- g) Transportation
1) Expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program are reimbursable from grant funds only if directly related to providing funded program services or if otherwise integral to the operation of

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the program.

- 2) In all cases, travel costs are limited to that allowed by formal organizational travel policy and, in the case of air travel, less than first class travel must be used when available. If the recipient organization has no formal travel policy, State travel regulations (80 Ill. Adm. Code 3000) including maximum per diem and subsistence rates prescribed in those regulations, shall be used to determine the amount for travel costs.
- 3) Cost of transportation of clients to treatment via public transportation or in recipient-operated vehicles is allowable;
- h) Fund raising and promotional expense
- i) Fund raising and/or promotional activities are not reimbursable;
- j) Bad debts
Bad debts are a deduction from the applicable income account rather than a reimbursable expense item from grant funds. Using this accounting procedure, neither the income nor expense of the agency is overstated and duplicate funding of expenses is eliminated;
- k) Charity, grants and professional discounts
Charity grants and professional discounts are not reimbursable expense items. Charity is defined as the donation of cash or in-kind services to other organizations and persons external to the funded program or services approved by the Department. Grants are defined as awards to organizations, programs and/or persons, external to the funded program or services of the fund recipient. Professional discounts are defined as reductions in fee assessments to individuals/families because of professional status (e.g., doctor, educator);
- l) Non-client meals
Non-client meals are not reimbursable expenses. Non-client meals are defined as meals consumed by parents, guests and staff when staff attendance with the client is not programmatically mandatory;
- 1) Interest expense
Interest expense paid on borrowed funds which are required to provide funded program activities or services to clients is a reimbursable expense. (Interest income from investments made from excess operating funds must be offset against allowable interest expense reimbursable from award funds.) The following items of interest expense are not reimbursable from award funds:
 - 1) Funds borrowed for investment purposes;
 - 2) Funds borrowed to create working capital in excess of two months' operating costs;
 - 3) Funds borrowed for the personal benefit of employees, officers, boards of directors, members, or owners of the fund recipient;
 - 4) Funds borrowed without a prior time-limited written agreement

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with the Department for the purchase of land, buildings, and/or equipment for future expansion, until such items are actually in use;

- 5) Interest in excess of the prime interest by the fund recipient to persons or organization who are related to the provider through control, ownership, or family relations as defined in Section 2030.350(k).

m) Intra-fund recipient loan interest charges
Interest charges made for intra-fund recipient loans between funds are not reimbursable;

n) Rentals

- 1) Rental income
Any rental income received by the fund recipient must be used to reduce the reimbursable expense by award funds for the item rented, provided the expense item is allowable.

- 2) Rental or lease costs for buildings and equipment are reimbursable if they are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; the type, life expectancy, condition and value of the property leased; and whether they are necessary to provide the funded program activities or services. Such costs shall be allowable based on a square footage method, percent of use method or such other method that properly reflects the cost allocation between the property's use under the Department's contract to the total use of the recipient. Such allocation shall include servicing of the items and/or supplies as reimbursable expenses also;

- o) Loan agreements
The repayment of the principal amount of any loan is not a reimbursable expense since it is the expenditure of the loan proceeds which may qualify for reimbursement, not the loan repayment. (Example: If a fund recipient borrowed \$10,000 for operating expense, the repayment of the \$10,000 principal amount is not a reimbursable expense, but the expenses paid with the principal may be reimbursable.);

- p) Inventories and Prepaid Expenses
The Department's grant is to fund, as established by the budget and most recently approved provider plan, only current expenses of operations and not the development of current or fixed assets. Usage from inventories is an expense and is reimbursable from grant funds. Expenditures for consumable goods such as food, housekeeping supplies, office supplies, etc. used in the program under an approved budget are not reimbursable to the extent that they have not been consumed or used by the end of the grant term. Expenditures for services or contracts (e.g., insurance, equipment maintenance) which extend beyond the grant term shall not be allowed

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to the extent that they are allocable to a period beyond the grant term. In order to provide for operating continuity of programs which will provide comparable program services to the Department through a new contract, the Department may allow de minimis inventories of consumable supplies as a current year contract reimbursement to the extent that they will be consumed in the provider's ongoing program with the Department no later than 90 days after the end of the contact period to which they are charged. Further, the Department may allow, to continuing providers, expenditures for services or contracts which will be completed or used in the next contract period. Such expenditures, to the extent allowed as reimbursable in the prior contract award, may not be claimed as expenditures during the next contract period when they are consumed;

- q) Sales of goods or services
Any expense incurred by the fund recipient for the sale of goods or services is not reimbursable and may be offset against sales revenue;

- r) In-kind contributions
The Department recognizes in-kind contributions, both as a source of income and as an expense of operations. Thus, the expense is paid by the source of income directly and the donation expense is not reimbursable from grant funds;

- s) Duplicate funding
Department funds shall not be used to reimburse expenses payable by other sources of funding;

- t) Unfunded activities
Reimbursement of any expense for a program service which has not received a Department award is not allowable;

- u) Contingencies

- v) Contributions to a contingency reserve or any similar provision for unforeseen events are not reimbursable;
Dual compensation is not permitted. This situation is defined as when an employee receives compensation from two or more different and unrelated jobs for work performed in the same time span. This applies to all salaried and contractual personnel and consultants;

- w) Lobbying
Attempts to influence the outcomes of any Federal, state, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity; establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of election; attempts to influence the enactment or modification of any pending Federal or state

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legislation through communication with any member or employee of the Congress or state legislature (including efforts to influence state or local officials to engage in similar lobbying activity), or with any government official or employee in connection with a decision to sign or veto enrolled legislation, or through preparing or distributing propaganda; or legislative liaison activities are not allowed. However, the following is allowed: providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a state legislature, in response to a documented request from such, provided such information is readily obtainable and can be readily put in deliverable form; or activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement;

- x) Depreciation on equipment/fixed assets, to the extent that the original acquisition was paid in whole or in part with award funds, is non-allowable.

SUBPART E: NON-DEPARTMENTAL FUNDING

Section 2030.410 Non-Department Funding

For the purpose of this Subpart, non-Departmental funding means monies received by the providers and used to support the activities of any Department-funded project or program. Sources include local tax revenues, voluntary funds, grants from charitable foundations, funds available from other state agencies or Federal sources, revenue sharing funds, funds from community mental health boards and/or local public health boards or departments.

Section 2030.420 Record Keeping

Recipients shall maintain and make available to Department staff records of the receipt and disposition of all non-Department funds received from any source for the performance of Department-funded programs or services.

Section 2030.430 Program Income

- a) Recipient organizations and providers shall be accountable to the Department for program income related to projects and services financed in whole or in part with Department funds. Program income represents gross income earned by the provider or recipient from the Department supported activities. Such income includes, but is not limited to, income produced by the services of individuals or by employment of equipment, facilities or general services. Special

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tests performed in a laboratory, drugs sold to fill prescriptions, payment received from clients or third parties for services rendered by the fund recipients, sale of commodities, usage or rental fees, interest earned on advances of Department funds, and royalties and other income earned from a copyrighted work developed under a Department award.

- b) Program income earned during the award period shall be retained by the recipient and shall be either:

- 1) Added to funds committed to the project by the Department and the recipient and be used to further the project or eligible program objectives as set forth in the award document;
- 2) Used to continue the project or eligible program objectives as set forth in the award document after award funds end;
- 3) Used to meet any cost-sharing requirements imposed by the Department;
- 4) Used to support other projects or eligible programs that further the objectives of the Act as approved by the Department; or
- 5) Deducted from the total allowable project costs in determining the net costs on which the Department's share of costs will be based.

- c) Records of the receipt and disposition of Program Income shall be maintained and made available to the Department by the provider in the same manner as required for Department funds under Subparts G and H.

Section 2030.440 Maintenance of Effort

Department awards made available under this Part shall be used to supplement and, to the extent practicable, to increase the level of funds that would, in the absence of such award, be available to the applicant for the purposes described in this Part and in the award document and shall in no case supplant such funds.

Accordingly, the recipient shall assure that it will maximize revenues from all other sources to maintain funded programs and services in ways most cost effective to the Department, and shall not apply Department funds to services which are funded or would be funded from other sources.

Section 2030.450 Client Fees

All providers with Department grant-in-aid funded treatment programs shall establish a client fee and third party payment policy consisting of fee schedules, documentation and collection procedures.

The policy shall assure the maximization and diversification of revenue

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sources, shall encourage client participation in the service by payment based on the ability to pay, but shall also assure that no person is denied services by any program funded under the Alcoholism and Other Drug Dependency Act because of inability to pay, and that services shall be afforded to such person on the same terms and conditions as services afforded to persons who are able to pay. Providers shall follow their policy and the requirements herein.

The policy shall:

- a) be initially approved by the Board of Directors of the program, and reviewed and approved by the Board when any change is made. Proof of Board approval, as well as the policy itself, shall be maintained and made available to the Department upon request;
- b) be in place prior to the time at which the provider charges the client fee or invoices second or third party payors, or prior to January 1, 1992, whichever of the two comes first;
- c) establish criteria for determination of financial capability based on household income, adjusted for family size;
- d) establish methods for documenting client income and determining eligibility for third party payment;
- e) provide for adjustment to or waiver of the fee based upon financial capability of the client or third party payment accessibility;
- f) provide a process for the client to appeal the fee determination and to appeal denial of service based on refusal to pay;
- g) require that prior to the imposition of an individual client fee, the client is informed in writing of the program's policy, the requirements of this Section and his right to appeal the fee determination, and require that a statement signed by the client specifying the amount of the charges agreed to be placed and maintained in the client's records;
- h) establish methods of documenting and recording charges and collecting accounts receivable fees from clients, responsible relatives and third parties.

Fees and ancillary charges shall be based on a sliding fee scale unless another method of fee determination, consistent with requirements herein, is previously approved in writing by the Department (see Subpart C of this Part).

Front-end or pre-admission fees are not encouraged but may be used if the policy meets the requirements of this Section. The recipient must be able to demonstrate that the fees do not create a barrier to admission, based on ability to pay.

SUBPART F: MATCHING AND COST PARTICIPATION REQUIREMENTS

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Section 2030.510 General

The Department may require that expenditures from Department funds be matched proportionately by expenditures from other funds or that the provider participate to some extent in the cost of a project.

Section 2030.520 Definitions

The following definitions apply to this Subpart:

"Cash contributions" means the recipient's cash outlay, including monies contributed to the provider by third-parties.

"Cost-sharing or matching" means the value of third-part in-kind contributions and that portion of project costs not borne by the Department.

"Project costs" means allowable expenditures incurred by a recipient in accomplishing the objectives of an award during the award period. For matching share purposes, project costs are limited to allowable types of costs.

"Third party in-kind contributions" means property or services which benefit a Department funded project or program and which are contributed by non-Department third parties without charge to the recipient.

Section 2030.530 Eligible Costs

Cost used to satisfy the recipient's matching or cost participation requirements may be financed from the following:

- a) Charges incurred by the recipient as project costs. Such charges need not require cash outlays during the award period. Examples are depreciation and use charges from buildings and equipment;
- b) Cash contributions provided or donated to the project by the recipient or other non-Departmental source or third party and not used as contribution to any other Department-funded program or project;
- c) Program income when the recipient is authorized to expend such income to further the purposes of the legislation under which the award was made;
- d) The value of third party in-kind contributions applicable to the period to which the cost-sharing or matching requirement applies.

Section 2030.540 Criteria for Contributions

All contributions, both cash and in-kind, shall be accepted as part of the recipient's cost sharing and matching when such contributions meet all of the following criteria:

- a) Are verifiable from the recipient's records;

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- the purpose of the award as follows:
- i) If the purpose of the award is to enable the provider to acquire or use equipment, buildings, or land or otherwise obtain a facility on a full time basis, then the fair market value of the donated property may be claimed as a matching share.
 - ii) If the purpose of the award is to support activities that require the use of equipment, buildings, or land on a temporary or part-time basis, depreciation or use charges for equipment and buildings may be made; and fair rental charges for land will be approved by the Department when the charge does not exceed 110% of the rental price of comparable property as determined by current offers for property rental in the area.
 - iii) Land or use of space
The value of donated land or its usage charge should be established by an independent appraiser (e.g., private realty firm) and certified by the responsible official of the provider.
 - B) Valuation of other charges
Recipient may claim the fair market value of other charges incurred specifically for, and in direct relation to, the Department-funded program or services.
 - b) The following requirements pertain to the provider's supporting records for in-kind contribution from private organizations and individuals.
 - 1) The number of hours of volunteer services must be supported by the same methods used by the provider for its employees.
 - 2) The basis for determining the charges for personal services, material, equipment, buildings and land must be supported by written documentation.

SUBPART G: FINANCIAL MANAGEMENT

Section 2030.610 Accounting and Financial Management Requirements

- a) Each fund recipient shall establish and maintain a formal accrual or modified accrual accounting system in accordance with generally accepted accounting principles (see Section 2030.320(a)(5)) to include a level of documentation, classification of entries, and audit trails, to provide accurate, current and complete disclosure, and to meet reporting requirements as prescribed by the Department in this Part.

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- b) Are not included as contributions for any other publicly-assisted program;
- c) Are necessary and reasonable for proper and efficient accomplishment of project/program objectives;
- d) Are types of charges that would be allowable under the applicable cost principles (Subpart D of this Part);
- e) Are not paid by the Federal Government under any assistance agreement or by the Department;
- f) Are provided for in the approved budget; and
- g) Conform to other provisions of this Part.

Section 2030.550 Valuation of In-Kind Contributions

- a) Specific procedures for the recipients in placing the value on in-kind contributions from private organizations and individuals are set forth below:
 - 1) Valuation of volunteer services
Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Each hour of volunteer service may be claimed as matching share if the service furthers the objectives of the award.
 - A) Rates for volunteers should be consistent with those regular rates paid for similar work. In cases in which the kinds of skills required for the Department-funded activities are not found in other activities of the provider, rates used should be consistent with those paid for similar work in the labor market in which the provider competes for the kind of services involved.
 - B) When an employer other than the provider furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of overhead cost) provided these services are within the skill for which the employee is normally paid.
 - 2) Valuation of materials
Contributed materials include office supplies, maintenance supplies, or workshop and classroom supplies. Prices assessed to donated materials included in the matching share must not exceed the cost of the materials to the donor or current market prices (the prices charged in the area for comparable materials at the time in question), whichever is less, at the time they are charged to the project.
 - 3) Valuation of donated equipment, buildings, and land, or use of space
 - A) The method used for charging matching share for donated equipment, buildings, and land will differ depending upon

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- b) A formal accrual or modified accrual accounting system shall not be required for the following:
- 1) A fund recipient that is required to maintain its records on a cash basis by a parent organization or funding source which provides more than 50% of the recipient's funding;
 - 2) A fund recipient with a total budget of \$25,000 or less; or
 - 3) A one-time Department award.
- c) All accounting entries must be supported by applicable source documents, recorded in books of original entry, and posted to a general ledger on a monthly basis.
- d) Records must identify adequately the direct and allocated indirect expenses and the source and application of funds for each program funded by the Department. The accounting system should include a cost allocation plan that is consistently applied.
- e) The accounting system must document procedures for determining the reasonableness, allowability and allocability of costs to each funded program, in accordance with Subpart D Cost Principles.
- f) The accounting system must provide comparison of actual budget amounts for each funded program. Financial information should be related to performance and unit cost data.
- g) Procedures must be established for control over and accountability for all funds, property and other assets. Recipients shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes pursuant to Property Management Standards in Subpart I.
- h) Department staff shall be available for consultation and assistance upon request of the fund recipient.
- i) The Department recognizes the need for fund recipients to establish separate, special funds; e.g., capital expenditures and equipment purchases. All receipts that are not restricted by the donor must be recorded in the operating fund. Transfers of unrestricted funds will be shown as transfers from the fund balance. Information about all funds must be made available to the Department upon request.
- j) Cash Management
- 1) All cash receipts are to be deposited intact. A cash receipts record is to be maintained which will indicate all sources of income by fund or award.
 - 2) Award funds may be used to establish petty cash funds, provided they do not exceed \$500 at any one location and they are maintained on a strict imprest basis. This means that cash and vouchers will always total the amount of the fund.
 - 3) Other than petty cash reimbursements, checks shall not be made payable to cash or to an employee's name for the purpose of cashing and paying vendors directly.
 - 4) Award funds or program income shall not be used for employee

- Section 2030.620 Audit Requirements
- salary advances or employee loans.
- a) Each fund recipient that receives \$25,000 or more in Department awards per annum is required to have an annual audit, as of the close of its fiscal year. Fund recipients awarded less than \$25,000 shall maintain appropriate accounting records and provide them for Department review upon request. Any audit performed for other purposes shall also be submitted. Audits are to be performed in accordance with generally accepted auditing standards by an independent certified public accountant registered by the State of Illinois. The resultant audit report is to be prepared in accordance with the applicable American Institute of Certified Public Accountants (AICPA) industry audit guide, such as the "Audits of Voluntary Health and Welfare Organizations." Units of government have different standards, including "Government Auditing Standards," ("Standards for Audit of Governmental Organizations, Programs, Activities, and Functions") United State General Accounting Office, July 1988 (the "Yellow Book"), the Single Audit Act of 1984 (31 U.S.C.A. Section 7501 et seq.) and federally-issued OMB Circular A-128, "Audits of State and Local Governments" (4/12/85).
- b) Institutions of Higher Education and other nonprofit organizations that receive at least \$25,000 but less than \$100,000 in federal funds (from all sources) have the option of applying the requirements of OMB Circular A-133 "Audits of Institutions of Higher Education and Other Non-Profit Institutions" (3/16/90), to their entire organization or completing separate program audit requirements pursuant to the federal laws and regulations of the programs in which they participate.
- c) Fund recipients that receive \$100,000 or more in federal awards (from all sources) shall have an audit performed in accordance with the provisions of OMB Circular A-133, unless all Federal funds are from a single program; in which case an audit may be made of the one program.
- d) The audit report shall contain the basic financial statements presenting the financial position of the agency, the results of its operations, cash flows, and changes in fund balances. The report shall also contain the certified public accountant's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the certified public accountant expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason therefor must be stated.
- e) The audit report is to be filed with the Department within 120 days after the end of a fund recipient's fiscal year. For governmental

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- entities, an audit report(s) shall be filed with the Department which includes the Department award period within 30 days after completion of the audit.
- d) In order to facilitate meeting filing requirements, fund recipients are encouraged to contract with certified public accountants before the end of the fiscal year.
- e) A request for an extension of time to file an audit report must be submitted in writing and requires prior written approval of the Department's Chief Auditor. A request for an exception to these audit requirements due to unusual circumstances must be submitted in writing and requires the prior written approval of the Department. Such requests will only be approved when they result from circumstances beyond the control of both the agency and its certified public accountant or when approval would be clearly to the benefit of the State.
- f) The certified public accountant shall communicate in written form material weakness in the fund recipient's internal controls when it impacts on the Department's funding. Copies of these communications are to be forwarded to the Department with the audit report. The fund recipient's comments or recommendations, including a plan for corrective action, are also to be submitted to the Department.
- g) The audit report shall contain disclosures of any transactions with related parties or organizations.
- h) The following supplementary financial information shall be included in the audit reports for the twelve months ended June 30. For fund recipients with a fiscal year close of other than June 30, this information is to be for the twelve months that ended the previous June 30. Failure to include such information shall make the report unacceptable.

- 1) Schedule of income by source and by program
 - A) This schedule is to be developed using a format prescribed by the Department. This schedule must display revenue by source (using the classifications on the provider plan). Revenues restricted to a program or earned by a program are to be displayed by program.
 - B) Individual sources of income over \$5,000 per source shall not be combined. Example: Funds received from several state or Federal agencies shall not be combined into one classification, such as "State of Illinois" or "Federal Government."
- 2) Schedule of operating expenses by program -- Operating fund

- A) In Department instructions and forms, the term "operating fund" is all inclusive of funds a fund recipient may have in its accounting records except those in a capital fund(s).

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- B) The certified public accountant should develop the expenses by program statement using the operating expense categories as set forth in the provider plan or the recipient's Department approved budget. The statement is to include funded and unfunded programs with the funded programs to be identified by the Department's program title and number. The statement shall compare budgeted and actual amounts for each funded program and shall include the allocation of administrative expenses to the various programs.
- C) The certified public accountant should clearly establish a position regarding the supplementary financial information presented in the schedules of income by source and by program and expenses by program -- operating fund. This can be done either by extending the overall opinion on the basic financial statements or by a supplementary opinion. If the certified public accountant determines that the additional procedures necessary to permit a supplementary opinion on the supplementary financial information would materially increase the audit time, the certified public accountant may, alternatively, state the source of the information and the extent of the examination and responsibility assumed, if any.
- D) The supplementary schedules are always to agree with, or be reconciled to, the audited financial statements unless a fund recipient's fiscal year ends on a date other than June 30.
- h) Failure to meet these audit requirements will result in suspension of funding.
- i) Confirmation of Department payments made to a fund recipient required by the certified public accountant during the course of the audit are to be secured from the Department's Division of Management and Budget.
- j) In addition to audits by independent certified public accountants, compliance audits of selected fund recipients will be performed by, or for, the Department's Office of Internal Audits. Such audits shall be performed in accordance with procedures for Department audits and the processing of reports resulting from them.
- k) The Department will also perform desk reviews on annual certified audit reports submitted to the Department.

SUBPART H: FINANCIAL REPORTING

Section 2030.710 General

Grant-in-aid recipients shall complete and submit to the Department quarterly

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a report of revenue and expenses in a format as prescribed by the Department. The purpose of these reports is to determine if the actual accrued operating revenue and expenses and capital income and expenses of a provider are within reasonable limits of budget projections (items which require budget revision pursuant to Section 2030.230 shall be considered not to be within reasonable limits). Recipients shall submit accrued operating expenses and actual recipient income by source rather than budget projections as shown on the provider plan. Quarterly reconciliations are to be performed by recipient totals for both operating expenses to budget and operating expenses to funds received by a recipient. In addition, the recipient shall submit an end of year report (the State of Illinois Interagency Statistical and Financial Report, ISFR) in a format as prescribed by the Department. Funds awarded as a fee-for-service or purchased care, are not subject to the quarterly revenue expense reporting but are subject to the end of the year ISFR requirement.

Section 2030.720 Quarterly Revenue/Expense Reports -- Grant-in-Aid Recipients

- a) Revenue/Expense reporting provides the total revenue accrued operating income and expenses of the recipient, the combined accrued operating income and expenses of all unfunded services or programs, the combined accrued operating income and expenses for all Department-funded services or programs, and the accrued operating income and expenses for each Department award-funded services, or program. The completed report, including supporting information, must be obtained from the recipient's accounting records. Requests for extensions are subject to review by the Department and are granted for hardship situations not created by the recipient.
 - 1) The appropriate indirect expenses should be allocated based on the allocation factors consistent with the provider plan.
 - 2) In-kind contributions
 - A) Other sources - Provide the category and valuation of non-state in-kind contributions based upon Section 2030.540.
 - B) State sources - Provide the category and valuation of state-in-kind contributions based upon Section 2030.540.
 - C) For both state sources and other sources, both the income and expense associated with in-kind contributions must be reported in the recipient's books of account.
 - 3) Recipients approved for total or partial Department-funded depreciation expense, and desiring payment of this expense either as part of their monthly billing or at the end of the year, are to complete the income/expense report for the capital funds. This amount shall be consistent with approved quarterly allocations and/or their fourth quarter allocation, including approved budget revisions pursuant to Section 2030.960. Providers not requesting and/or not approved for Department-

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funded depreciation expense should report this expense on the fourth quarter's operating revenue/expense report as reported in the provider's records at the end of the year. Depreciation expenses shall be reported in the same manner as the other line item expenses and allocated proportionately among funded programs, projects or services.

- 4) The provider's completed Quarterly Revenue/Expense Reports are to be submitted not later than the 25th day of the month following the close of each quarter on forms prescribed by the Department. The provider's income reports are to be submitted only for the second (October-December) and fourth (April-June) quarters.

- 5) Reconciliation of operating expenses to funds

A) Each provider must reconcile total Department award funds received for the reporting quarter to the total Department award operating expenses for the reporting quarter.

B) If the sum of provider disbursements exceeds the Department-funded expense (which is limited to quarterly allotments on the provide plan), the Department shall reduce the next provider disbursement by the difference.

- b) End of second and third quarters - procedures are as set forth in Section 2030.720(a) except that the reports are prepared on a cumulative basis and that, in computing the amount of the disbursement, any funds that the recipient has on hand from the preceding quarter must be added to the total recipient disbursement request paid.

- c) End of fourth quarter

1) Complete reconciliation must be made for the entire fiscal year.

2) Total all Department-funded expenses from the four quarterly revenue/expense reports for the year.

3) If total payments exceed total Department-funded expenses, the recipient owes the difference to the Department. Recipients are to make reconciliation payments or adjustments simultaneously with submission of the final quarter report.

4) Overpayments of any amount over \$1.00 (allowance for rounding off) must be reimbursed to the Department.

5) Payment by a recipient shall be an offset, check, draft or money order made payable to the Department of Alcoholism and Substance Abuse. The check, draft or money order shall be accompanied by a cover letter to the Department.

- d) Recipients shall submit reconciliation adjustments or repayments, as outlined above, by September 1 of the following fiscal year.

Section 2030.730 Lapsed Grant-in-Aid Funds

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- a) Department grant-in-aid funds not expended as outlined in the effective provider plan are considered lapsed. These lapsed funds shall be calculated by comparing the operating expenses to the budget using the following method:
- 1) Operating expenses to budget - Display the total funds and award funds budgeted for the quarter. (These figures must agree with the provider plan.) Display the total accrued expense and award funds accrued expenses for the reporting quarter. Indicate difference.
 - 2) Considerations of exceptions - Recipients may request a reallocation of funds in the original plan. Funds approved for reallocation may be used prospectively or retrospectively to the immediately preceding quarter.
 - 3) Each provider shall file its completed Quarterly Operating Revenue/Expense Report by the 25th day of the month following the close of each quarter. If the Department expenses are less than the approved allocation level, the provider shall indicate, in writing, one of the following:
 - A) Request for Department reallocation of funds for underexpenses of more than \$5,000 or 5% of a line item, whichever is greater, in any Department-funded program or service. As part of the Quarterly Operating Revenue/Expense Report the provider shall certify in writing that funds reallocated to a subsequent quarter will be expended in accordance with the approved provider plan on file with the Department.
 - B) Request for Department reallocation of funds for underexpenses of \$5,000 or 5% of a line item, whichever is greater, in any Department-funded program or service. As a part of the Quarterly Operating Revenue/Expense Report, the provider shall submit an explanation of the underexpenses, and a justification to support the reallocation of funds to the subsequent quarter(s).
 - 4) The Department will review the fund recipient's reasons for requesting the retention of the funds. If the reasons meet Department funding priorities as set forth in the award document and the Provider is capable of utilizing the lapsed funds in accordance with its provider plan or any approved modification thereto, the Department shall approve the reallocation and inform the fund recipient and shall work with the recipient in the development of any required documentation.
 - 5) If the Department does not approve the reallocation, it shall inform the recipient of this decision and send it a Notice of Award Adjustment as soon as possible, but not later than 40 days after the end of the quarter. The provider plan does not have to be revised solely because funds are lapsed. However,

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if the plan is revised for another reason, the revision shall accurately indicate past financial performance.

- b) Agreement to lapse
- 1) Voluntary lapse - The fund recipient will indicate in writing that no plan to utilize the underexpenses of funds exists and the award may be reduced accordingly.
 - 2) Automatic lapse - If no justification or certification is received, the funds will be automatically lapsed.
- c) Notice of lapse
- The Department will prepare and send to the recipient a Notice of Award Adjustment as soon as possible, but no later than 40 days after the close of the quarter.
- d) Recovery hearing - Grant funds which the Department determines are being improperly held or have been misspent are subject to recovery pursuant to the Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2301 et seq.).

Section 2030.740 End of the Year Report

- a) The Interagency Statistical and Financial Report (ISFR), in a format as prescribed by the Department, shall be filed by each recipient receiving a Department award of \$25,000 or more per annum. The ISFR provides common cost reporting categories which are to be utilized by providers as they file end-of-year revenue/expense reports with the Department. Unless the Department states otherwise, funded prevention programs are not required to file an ISFR.
- b) The report shall be filed with the Department within 120 days after the end of the recipient's fiscal year. The report shall be submitted along with the recipient's independently certified audit. The revenues and expenses entered on the report must reconcile with the revenues and expenses as certified in the audit.

Section 2030.750 Purchased Care/Fee-for-Service Invoicing and Auditing

- a) Fund recipients under fee-for-service/purchased care contracts for program services shall submit invoices on formats and per schedules and deadlines as prescribed by the Department.
- b) The Department will conduct random sample audits of client records to determine if the services billed for were provided.
- c) The Department will conduct random sample post billing audits of client's eligibility and financial status and if such audit reveals that the recipient has billed for an ineligible client or has failed to pursue all sources of payment before billing the Department, the recipient shall return to the Department all monies paid on behalf of such ineligible or financially able client.

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- d) The Department will conduct random sample post billing audits of client record completeness. Incomplete records may result in payment disallowances and subsequent recovery by the Department.
- e) Purchased care/fee-for-service funds which the Department determines are being improperly held or have been misspent are subject to payback to the Department or offset to future payments, and are subject to recovery under the Grant Funds Recovery Act.

Section 2030.760 Exempt Recipients

Recipients who are not required to submit quarterly revenue/expense and/or ISFR reporting shall be required by the Department to provide records of revenue and expenses of the funded project, service or program, or an audit, or to maintain and make available to the Department upon request such records, as appropriate to the nature of the award agreement and the funded activity, the amount of the award, and other appropriate factors. Funds which the Department determines are being improperly held or have been misspent are subject recovery under the Grant Funds Recovery Act.

SUBPART I: MONITORING AND REPORTING OF PROGRAM PERFORMANCE

Section 2030.810 Site Visits

- a) The Department shall monitor performance under the award document and shall conduct at least one site visit per year to each provider. The frequency of any other visits shall be determined by the nature, size, and complexity of the fund supported activity, and other appropriate factors by which the Department determines that on-site review is required to monitor provider performance. The site visit is for the purpose of evaluating performance under the award document. It shall focus on:
 - 1) actual accomplishment of and/or progress towards goals and objectives established by the award document for the term of review;
 - 2) reasons why established goals and objectives were not met;
 - 3) accountability for Department funds, including assessment of necessity and reasonableness of costs, budget performance, cash management, accounting practices, financial management and long range planning, analysis and explanation of cost overruns on high cost units;
 - 4) quality and effectiveness of services provided during the term of review, including effectiveness of community networks;
 - 5) assurance that time schedules and projected work units by time periods are being met; and
 - 6) compliance with award document conditions.
- b) Providers shall make available to representatives of the Department

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all financial records, client attendance and/or service records, and case records and other documentation related to the award activities.

Section 2030.820 Reports

Providers shall report, on a monthly basis, service data required by and using DASA's Automated Reporting and Tracking System (DARTS), as well as other reporting as required for the National Drug and Alcoholism Treatment Utilization Survey (NDATUS). Such reported service data shall be for the purpose of assessing individual recipient performance, and for planning for future service development.

Section 2030.830 Underutilization

The Department may reduce on a proportionate basis the maximum compensation payable under a grant-in-aid award document or renegotiate compensation when there is a decrease for three consecutive months of fifteen percent (15%) or more in the average number of actual service units, from the amount specified in the award document. In determining whether to reduce compensation payable under the award document, the Department will consider the reason for the underutilization and the effect of the underutilization on the identified service need in the area based on Departmental substance abuse data.

Section 2030.840 Criminal Justice System Referrals

For clients referred by the Court, the provider shall comply with the following procedures and responsibilities:

- a) The provider shall accept referrals from the Department's designated program for criminal justice intervention (as described in Section 1-103 of the Act) on a priority basis when clients are remanded to the provider by order of the court after an application by the client to be treated under the provisions of the Act, and when consistent with the provider's appropriate admissions criteria.
- b) The provider shall, upon acceptance in treatment of a court client referral, submit thereafter regular progress reports to the designated program, and/or the Court as required by these parties. Such reports shall indicate at a minimum, progress in treatment, general behavior, physical condition and future goals.
- c) The provider shall advise the designated program, and the Court, when requested and authorized, of any transfer, unauthorized absence, death or other sustained interruptions in treatment regarding its court referred clients. The provider shall, upon termination of the client from its treatment program, advise the designated program, and the Court, when requested and authorized, of information pertaining to the client's termination, program

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participation, progress, or prognosis for such clients.

- d) The provider shall also accept other clients which the award document specifies are priorities on a priority basis when consistent with the provider's appropriate admissions criteria.

Section 2030.850 Prior Submissions

Information or reports required by this Subpart which have been previously submitted to the Department need not be resubmitted provided the fund recipient notifies the Department of the prior document containing such information, the date submitted and the Department office to which it was directed.

SUBPART J: FUND DISBURSEMENT

Section 2030.910 General

The Department will disburse funds to recipients in accordance with the fully executed award document signed by the Director. Disbursements shall be made as appropriate to the nature of the award and project or service to be delivered. They may be by monthly or other periodic installment or as invoiced for services delivered or other reasonable disbursement method as agreed between the parties and consistent with pertinent laws and regulations (such as the Grant Funds Recovery Act; the State Finance Act (Ill. Rev. Stat. 1989, ch 127, par. 137 et seq.); and the Alcohol and Drug Abuse and Mental Health Services Block Grant, (42 USCA Section 300x et seq. (1991)).

SUBPART K: TERMINATION, SUSPENSION, CLOSEOUT

Section 2030.1010 Definitions

The following definitions shall apply for the purpose of this Subpart:

- a) Termination
The termination of an award agreement means cancellation in whole or in part, at any time prior to the date of completion of the agreement.
- b) Suspension
The suspension of an award agreement is an action by the Department that temporarily suspends the award agreement pending corrective action by the recipient or pending a decision to terminate the award agreement.

Section 2030.1020 Unilateral Termination

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In addition to and notwithstanding provisions herein below, the Department or a recipient may terminate any award or part thereof upon thirty (30) days written notice to that effect (or any other time period as agreed to by the parties) forwarded to the other party. The notice shall set forth the effective date of the termination and shall be addressed to the person who signed the award document at the address indicated therein, unless such person or address has been changed by written notice to the Department. Notice to the Department shall be addressed to the Director.

Section 2030.1030 Termination by Agreement

Parties to the award document may terminate the agreement in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated.

Section 2030.1040 Termination or Suspension For Cause

- a) The Department may terminate or suspend any award agreement in whole or in part at any time before the date of completion, whenever it is determined that the recipient has failed to comply with conditions, standards or terms of the award document or of this Part. The Department shall promptly notify the recipient in writing of the determination and the reasons for the termination together with the effective date. Payments made to recipients or recoveries by the Department under the award terminated for cause shall be in accordance with the legal rights and liabilities of the parties. When the Department has determined that a recipient has failed to comply with the terms of this Part or of the award document it may:
- 1) Suspend assistance pending corrective action by the recipient;
 - 2) Suspend assistance pending a decision to terminate the award by the Department as set forth below;
 - 3) Terminate the assistance, as set forth below;
 - 4) Take such other remedies as may be legally available and appropriate in the circumstances.
- b) If a recipient is supported over two or more funding periods, an award may be suspended or terminated in the current period for failure to submit a report still due from a prior period.
- c) In determining whether to take any of the above actions, the Department will balance the severity of the failure to comply against the deprivation of services to clients. Factors to be considered are:
- 1) Availability of alternative treatment services;
 - 2) The recipient's ability to continue to provide services in

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accord with the agreement;
3) The period of time for which services would be interrupted due to non-compliance; and
4) Pending civil, administrative, or criminal actions.

Section 2030.1050 Actions on Termination

When an award is terminated, the recipient shall:

a) Not incur new obligations for the terminated part and shall cancel as many outstanding obligations as possible. The Department shall allow payment for noncancellable authorized costs incurred pursuant to the performance of the award prior to termination;

b) Hold any and all Department funds not expended under the award in trust for the benefit of and subject to the direction of the Department;

c) Furnish to the Department such report(s) as may be requested by it based upon work completed under the provisions of the award. These reports include financial, clinical, medical and administrative information, whether derived from manual or automated systems.

Section 2030.1060 Suspension Process

Suspension shall be pursuant to notice and opportunity to show cause why the award should not be suspended. However, in situations as set forth in Section 2030.1080 below, the Department may summarily suspend the award.

a) Notice of intent to suspend

The Director of the Department or his designee shall notify the recipient in writing and by phone of its intent to suspend the award in whole or in part. Such notice shall be provided as set forth in Section 2030.1220. The written notice of intent to suspend shall set forth the reasons for the suspension, any corrective action which may be deemed reasonable, and the effective date of the suspension. The effective date shall be reasonable based on the requirements and seriousness of the situation. The Department shall also send a copy of the notice to any entity whose activities or failures to act have substantially contributed to the proposed suspension and shall inform such entity that it is entitled to submit written material or to participate in any informal meeting which may be required. In addition, the Department may use discretion to give such notice to any entity.

b) Response

The written notice of intent to suspend shall also notify of the right to request in writing an informal meeting at which the recipient may respond and attempt to show why the suspension should not occur; and that supporting documentation should be submitted in

a timely manner to the Department. A reasonable period of time within which to submit documentation and request a meeting shall be stated in the notice. In no event shall the deadline be less than seven days after the notice was sent, nor shall the recipient be given a period of time long enough to be a detriment to the Department.

c) Informal Meeting

If the recipient requests a meeting, the Department shall set a time and place, which shall not be less than seven days after the recipient's request and not long enough to be a detriment to the Department. The Department may also establish a time and place for such a meeting, if none is requested, and notify the recipient. The meeting shall in no event be less than seven days after the notice of intent to suspend, except by agreement.

d) Decision

The Director or his designee shall consider any material presented to him in writing and in a timely fashion, any material presented to him during the course of the informal meeting and any showing that the recipient has adequately corrected the deficiency which led to the initiation of suspension proceedings. If, after considering the material presented to him, he concludes the recipient has failed to show cause why assistance should not be suspended, he may suspend assistance in whole or in part under such terms and conditions as he shall specify.

e) Notice of Suspension

Notice of such suspension shall be promptly transmitted to the recipient and shall become effective upon delivery, continuing until such time as the Department gives notice pursuant to this Part that the award is terminated or the suspension lifted. During a period of suspension, no new expenditures shall be made and no new obligations shall be incurred in connection with the suspended program except as specifically authorized in writing by the Department. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the Provider's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed solely because the recipient has obligated them by contract or otherwise to an agency.

f) Termination of Suspension

The Director or his designee may, in his discretion, modify the terms, conditions and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the recipient has adequately corrected the deficiency which led to the suspension and that

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repetition is not threatened. Suspensions partly or fully rescinded may, in the discretion of the Department, be reimposed with or without further proceedings.

Section 2030.1070 Summary suspension

- a) The Director may suspend assistance without the prior notice and opportunity to show cause provided in Section 2030.1080 if he determines in his discretion that immediate suspension is necessary because of a serious risk of:

- A) substantial injury to or loss of funded project funds or property, or
- B) violation of a Federal, State or local statute, or
- C) violation of Department rules, regulations, guidelines and instructions;

and such risk is sufficiently serious to outweigh the general policy in favor of advance notice and opportunity to show cause.

- b) Notice of summary suspension shall be given pursuant to Section 2030.1220 or by hand delivery to the recipient and shall become effective upon delivery. It shall specify the effective date of the suspension, the reason for the suspension and the extent, terms, and conditions of any partial suspension. The notice shall also forbid the recipient from making any new expenditures or incurring any new obligations in connection with the suspended portion. Expenditures to fulfill suspension, in good faith and in accordance with the recipient's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed by a Provider solely because the recipient obligated them by contract or otherwise to an agency.

- c) The written notice of summary suspension shall also advise that the recipient may request in writing an opportunity to show cause why the summary suspension should be rescinded. Within seven days after receiving such request from the recipient the Department shall set a time and place for an informal meeting wherein the recipient may attempt to show cause why the summary suspension should be rescinded. The informal meeting shall be conducted as set forth in Section 2030.1070(c)(d) and (e). Notwithstanding the provisions of this subsection, the Department may proceed to initiate termination proceedings at any time even though the award has been suspended in whole or in part.

- d) Copies of the notice of summary suspension shall be furnished by the recipient to agencies in the same manner as notices of intent to suspend as set forth in Section 2030.1017(a). Agencies may submit written material to the responsible Department official or participate in the informal meeting.

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- e) If the recipient requests an opportunity to show cause why a summary suspension action should be rescinded, the suspension of assistance shall continue in effect until the recipient has been afforded such opportunity and a decision has been made. Such a decision shall be made within seven days after the conclusion of the informal meeting referred to in subsection (c). If the Director or his designee concludes, after considering all material in support of rescinding the suspension, he may continue the suspension in effect for an additional seven days; provided, however, that if termination proceedings are initiated, the summary suspension of assistance shall remain in full force and effect until all termination proceedings have been fully concluded.

Section 2030.1080 Termination for Cause Process

- a) Notice of Intent to Terminate

If the Director finds, pursuant to evidence submitted to him, that there is a failure by a recipient to comply with terms and conditions of an award document or with this Part, or with issued guidelines, instructions or work plans, which failure is sufficient to warrant termination of assistance in whole or in part, the Director or his designee shall notify the recipient in writing and by phone of its intent to terminate in whole or in part. Such notice of intent to terminate shall be provided as set forth in Section 2030.1220 and shall include what is required by, and otherwise comply with, Section 2030.1070(a).

- b) Termination Date

Unless the Department determines otherwise, termination shall become effective no later than thirty days after the Notice of Intent to Terminate, regardless of whether a hearing has been set or requested. If the recipient prevails at a hearing after termination, the award shall then be reinstated.

- c) Request for Hearing

The Notice of Intent to Terminate shall either set a time and place for hearing, which is no less than seven days from the date of notice, or advise of the right to request a hearing within a period of time which is no less than seven days from the date of notice. The request shall be made in writing to the Director. If no hearing is set and no request is made the Department shall terminate when it deems appropriate and immediately notify the recipient of the termination in writing as set forth in subsection (a). If a request is made, the Department shall set a reasonable time and place for hearing and shall notify the recipient in writing no less than seven days prior to the date. The date of the hearing shall cause as little prejudice to the recipient and Department as possible. Within two days after its receipt of a Notice of Intent to Terminate

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shall apply rules or principles designated to assure production of relevant competent evidence and to subject testimony to a full examination and cross-examination as may be required for a full and true disclosure of the facts. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. A transcript may be made for the oral evidence and shall be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. Parties shall be allowed to submit proposed findings and conclusions orally or in writing.

- 3) Proposed Finding
The presiding officer shall set forth his proposed findings of fact and conclusions and recommendation for termination in whole or in part and terms or conditions thereof. Such proposal shall be served upon the parties and the Director. Within 15 days a party may submit in writing exceptions to the proposal.
- 4) Decision
The Director shall, upon review of all submitted materials and the oral testimony, either accept the presiding officer's proposal or increase, modify, vacate, remit, or mitigate the sanction, or remand to the officer for further consideration so long as his decision is consistent with the record.

Section 2030.1090 Closeout

- a) The closeout of an award is the process by which the Department determines that all applicable administrative actions and all required work of the award have been completed by the provider and the Department.
- b) The provider and Department must follow these procedures to closeout every award after expiration or termination:
 - 1) Upon written request, the Department shall make prompt payments to a provider for allowable costs under the award being closed out.
 - 2) The provider shall immediately refund to the Department any unencumbered balance of cash advanced to the provider.
 - 3) The Department shall obtain from the provider within 90 days after the date of completion of the award all financial, performance, and other reports required as a condition of the award. The Department shall grant extensions when requested in writing by the provider if the justification for the request is based upon circumstances beyond the provider's control.
 - 4) The Department may prepare an upward or downward adjustment to

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and a notice of hearing, the recipient shall send a copy of it to all agencies which would be financially affected by the termination and to each agency identified in the notice pursuant to subsection (a). The recipient shall send the Department a list of all agencies notified and the date of notification.

- d) Hearing
The hearing shall afford the recipient a full and fair opportunity to demonstrate that it is in compliance with requirements specified in its award document, this Part, and issued guidelines and instructions. The Department shall have the burden of justifying the proposed termination action. However, the recipient shall have the burden of proving that action, as required by its award document, this Part, issued guidelines and instructions, was timely taken.
- If the Department has initiated termination proceedings because of the activities of an agency, that agency may participate in the hearing as a matter of right. Any other agency, person or organization that wishes to participate in the hearing, may request permission in writing to do so from the presiding officer of the hearing. Such participation shall not alter, without the consent of the Department and the recipient, the time limitation for the delivery of papers or other procedures set forth herein.
- The results of the proceedings and any measure taken thereafter by the Department pursuant to this Part shall be fully binding upon the recipient and all agencies whether or not they actually participate in the hearing.

- 1) Presiding Officer
The presiding officer at the hearing shall be a Department official designated by the Director, or a hearing officer of the Department. The officer shall conduct a full and fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, he shall have all powers authorized by law and may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the presiding officer for good cause shown shall determine otherwise. He shall allow persons to participate as deemed necessary to determine the issues.
- 2) Presentation of Evidence
The Department and recipient shall present oral and/or documentary evidence, rebuttal, and conduct such examination as required for full and true disclosure of facts bearing on the issues (which shall be those stated in the Notice of Intent to Terminate). All papers shall be filed with the presiding officer and sent to other parties prior to filing. Technical rules of evidence shall not apply, but the presiding officer

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the Department's share of costs after these reports are received based upon a reconciliation between such reports and the award document, subject to the provisions of this Part.

- 5) The provider shall account for any property acquired with Department funds, or received from the Department in accordance with the provisions of Subpart L.
- 6) The Department shall retain the right to recover any amounts determined to be due and owing to the Department after fully considering the recommendations on disallowed costs resulting from a final audit.

- c) The provider shall transfer client records pertaining to an individual client to a receiving program or make arrangements for a custodian of such records where the expiration or termination of an award results in program closure or reduction in service of the provider.

SUBPART L: PROPERTY MANAGEMENT STANDARDS

Section 2030.1110 Scope

This subpart prescribes policies and procedures governing title, use and disposition of real property and tangible personal property whose acquisition cost was borne in whole or in part with award funds, and ownership and rights for intangible personal property developed under the grants. The fund recipient shall be authorized to use its own property management standards and procedures as long as the provisions of this subpart are met.

Section 2030.1120 Definitions

The following definitions apply for the purpose of this Subpart:

"Acquisition" of property includes purchase, construction, or fabrication of property.

"Acquisition cost" of non-expendable personal property acquired by purchase means the net invoice price of the property, including any attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Ancillary charges such as taxes, duty, protective in transit insurance, freight or installation shall be included or excluded from acquisition cost in accordance with the grantee's regular accounting practices.

"Expendable personal property" means any tangible personal property other than non-expendable property.

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"Non-expendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of \$500 or more per unit. A fund recipient may use its own definition of non-expendable personal property provided that such definition would at least include all tangible personal property as defined herein.

"Personal property" means property of any kind except real property. It may be tangible -- having physical existence, or intangible -- having no physical existence, such as patents, inventions, and copyrights.

"Real property" means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

Section 2030.1130 Real Property

- a) Title to real property whose acquisition cost was borne in whole or in part by Department award funds shall vest in the fund recipient upon acquisition. The recipient shall maintain, as part of its records, details of the Department's percentage of participation in the cost at acquisition.

- b) The use and disposition of such property shall be subject to the following requirements, in addition to any other requirements imposed by the terms and conditions of the award:

- 1) The fund recipient shall use the real property for the purpose authorized by the original award as long as needed.
- 2) The fund recipient shall obtain approval by the Department for the use of the real property in other projects or services when the fund recipient determines that the property is no longer needed for the original award purposes. Approval will be granted for use in projects consistent with the purpose of the original award and may be granted for purposes consistent with Department goals and objectives.
- 3) When the real property is no longer needed as provided in (1) and (2) above, the fund recipient shall return all real property furnished or purchased wholly with Department award funds to the control of the Department. In the case of property purchased in part with Department award funds, the fund recipient shall compensate the Department for its fair share of the property. The Department share of the property shall be the amount computed by applying the percentage of the Department's participation in the total cost of the award project or program for which the property was acquired to the current fair market value of the property, if the property is retained, or to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required

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to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return. In cases in which real property was acquired under a grant whose purpose was to assist the grantee in acquiring the property (e.g., a construction grant), the "total cost of the project or program for which the property was acquired" will ordinarily be the same as the acquisition cost of the property.

Section 2030.1140 Non-Expendable Personal Property

a) Title, use and disposition

When non-expendable personal property is acquired by a fund recipient, wholly or in part with Department funds, title will not be taken by the Department except as provided herein but shall be vested in the fund recipient subject to the following restrictions on use and disposition of the property.

- 1) The fund recipient shall retain the property acquired with Department funds in the award project, program or service as long as there is a need for the property to accomplish the purpose of the award whether or not the program or service continues to be supported by Department funds. When the fund recipient determines there is no longer a need for the property to accomplish the purpose of the award, the fund recipient may use the property in connection with other awards it has received from the Department.

- 2) When the fund recipient no longer has need for the property to accomplish the purpose of the original Department award the property may be used for its own activities in accordance with the following standards:

A) Non-expendable personal property with an acquisition cost of less than \$500 and used four years or more -- the fund recipient may use the property for its own activities without reimbursement to the Department or sell the property and retain the proceeds.

B) All other non-expendable property
The fund recipient may retain the property for its own use provided that a fair compensation is made to the Department for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Department participation in the award project or program to the current fair market value of the property.

- C) If the fund recipient has no need for the property, the Department shall be contacted for instruction regarding disposition. The Department may instruct that the

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property be sold and the Department be compensated by applying the percentage of its participation to the sale proceeds, less reasonable selling fees. The Department may also instruct, where reasonable, that title be transferred to the Department or a third party named by the Department.

b) Management

The fund recipient's property management standards for non-expendable personal property shall also include the following procedural requirements:

- 1) Property records shall be maintained accurately and provide for a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; purchase or property; location, use, and condition of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the fund recipient reimburses the Department for its share.
- 2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.
- 3) A formal inventory control system shall be in effect to provide safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of non-expendable property shall be investigated and fully documented.
- 4) Maintenance procedures shall be implemented to keep the property in good condition.
- 5) Sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

Section 2030.1150 Expendable Personal Property

When the total inventory value of any unused expendable personal property exceeds \$1,000 in total aggregate fair market value at the expiration of need for any Department award purposes, the fund recipient shall retain the property or sell the property and compensate the Department for its share in the cost. The amount of compensation shall be computed the same as for non-expendable personal property.

Section 2030.1160 Copyrights, Patents and Royalties

a) Ownership in Copyrights and Patents

When a writing, material, data, form, audio or visual record, manual, pamphlet, testing component, learning or educational material or other copyrightable material is developed or produced

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with Department funds, the author may copyright the work, unless the award document precludes or restricts such, except that the Department shall have a royalty-free, nonexclusive and irrevocable license throughout the world to reproduce, publish or otherwise use, and to authorize others to use, the material for reasonable purposes in the public interest. Such license shall be only to the extent that the fund recipient had, prior to the award, the right to grant such a license without being liable for compensation to others solely because of such grant. If an invention is conceived or first actually reduced to practice in the course of or under an award by the Department, the Department shall be notified. Determination as to ownership and disposition of rights to such inventions, including whether a patent application shall be filed and, if so, the manner of obtaining, administering, and disposing of rights under any patent application or patent which may issue shall be made by the Department.

- b) Royalties received during the grant period shall be retained by the grantee and either be used for any purposes which further the objectives of the award or be offset against total project or program costs. Disposition of copyright royalties received after the termination of the grant period should ordinarily be governed by specific agreements between the Department and the fund recipient. If there is no specific agreement, the Department's share of copyright royalties in excess of \$200 received annually shall be paid by the fund recipient to the Department. In such cases, the Department's share of the royalties shall be computed on the same ratio basis as the percentage of the Department's participation in the cost of the project or program. Disposition of patent royalties received after the termination or completion of the grant period shall be governed by agreements between the Department and the fund recipient.

SUBPART M: GENERAL PROVISIONS REGARDING AWARD PERFORMANCE

Section 2030.1205 Civil Rights/Nondiscrimination

- a) The fund recipient shall comply with Title VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq. and 2000e et seq.); Section 503 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 793 and 794); the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, pars. 1-101 et seq.); all requirements imposed by the applicable Health, Education and Welfare Regulation (45 CFR 84, (1984)); the Secretary of Labor (20 CFR 741 (1984)); The Americans with Disabilities Act of 1990 (42 U.S.C. 12101); the U.S. Constitution;

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the Constitution of the State of Illinois; any laws, regulations or orders, state and Federal, which prohibit discrimination in employment and service delivery on the grounds of race, sex, marital status, color, religion, national origin, age, the inability to speak or comprehend the English language, or by reasons of any physical or mental handicap. The fund recipient also shall engage in an affirmative action program, as required by state and Federal law, regulations or orders.

- b) Distinctions on the grounds of race, color, creed, sex, national origin, age, the inability to speak or comprehend the English language or by reasons of any physical or mental handicap include but are not limited to the following:

- 1) Denying a participant any service, benefit or availability of a facility on the grounds of race, color, creed, sex, national origin, age, the inability to speak or comprehend the English language or by reason of any physical or mental handicap;
 - 2) Providing any service or benefit to a participant which is different, or is provided at a different time, from that provided to other participants under the terms of the award unless the adjustment of regular programs or the provision of different programs is necessary to meet the individual needs of handicapped persons to the same extent as the non-handicapped where such individual needs necessitate the adjustment of regular programs or the provision of different programs;
 - 3) Subjecting a participant to segregation or separate treatment in any matter related to his/her receipt of any service;
 - 4) Restricting a participant in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit;
 - 5) Treating a participant differently from others in determining whether he satisfies admission requirements, enrollment quotas, eligibility, membership, or other requirements or conditions which individuals must meet in order to be provided any service or benefit;
 - 6) Assigning times or places for the provision of services on the basis of race, sex, marital status, color, religion, national origin, age, the inability to speak or comprehend the English language, or by reasons of any physical or mental handicap.
- c) Upon receipt of a complaint of discrimination against a provider, the Department shall report such complaint to the appropriate State and Federal authorities. Upon notification of a determination by such authorities that the provider has engaged in discriminatory practices, the Department shall have the right to terminate the award under Section 2030.1010.
- d) A recipient will include verbatim or incorporate by reference the provisions of this Section in every subaward so that such provisions

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will be binding upon every such subprovider. The provider will be liable for compliance with applicable provisions of this Section by its subproviders. In addition, the provider will immediately notify the Department and the Illinois Department of Human Rights in the event any subprovider fails or refuses to comply with this Section. No provider will utilize any subprovider declared by the Illinois Department of Human Rights to be nonresponsible and therefore ineligible for contracts or subawards with the State of Illinois or any its political subdivisions or municipal corporations.

- e) Notwithstanding anything contained in this Section to the contrary, the Department and the provider may develop or operate programs or services which are designed to meet the needs of special population groups.

Section 2030.1210 Compliance During Award Period

- a) When the fund recipient signs the award document, the signature shall be the fund recipient's certification of compliance with all applicable Federal and State laws and regulations and Department rules. If a provider has been determined to be in violation or otherwise in non-compliance by the agency or body or other authority responsible for the administration of such law or regulation, and the Department is notified of such violation or non-compliance, then the provider shall be subject to the provisions of Section 2030.1010 of this Part.
- b) Any Department award document shall be governed by and construed according to the laws of the State of Illinois.

Section 2030.1215 Conflict of Interest

- a) Fund recipients shall establish safeguards to prevent employees, consultants, agents, and members of governing bodies from using their positions for purposes that are, or give the appearance of being, motivated by a desire for private gain for themselves or others, such as those with whom they have family, business or other ties. Therefore, each fund recipient receiving Department support must have written guidelines for staff members (administrators, faculty members, professional staff, or employees) and other associated individuals (such as consultants) indicating the conditions under which outside activities, relationships, or financial interests are proper or improper, and providing for notification of these kinds of activities, relationships, or financial interests to a responsible and objective officer of the fund recipient.
- b) Information from a fund recipient concerning the extent of any staff member or associated individual's interest or participation in

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activities, relationships or financial interests regarding the fund recipient shall be made available to the Department upon request when there exists a situation which creates the appearance of the possibility of a conflict of interest.

Section 2030.1220 Notices

All notices required or permitted by this Part or by the terms of an award shall be in writing and shall be deemed to have been given within five days after the same has been deposited in the United States mail or on the actual date indicated on the return receipt requested, postage prepaid, to the parties entitled hereto, directed to them at their last known address or at the address stated in the award document. Addresses for notice may be changed by notice. Notice to a recipient shall be addressed to the person who signed the award document on behalf of the recipient, at the address stated in the award document, unless such person and address are changed by notification in writing to the Department.

Section 2030.1225 Personnel Administration

Personnel policies and procedures shall be set forth in writing and be available for review by the Department. They shall comply with applicable State and Federal laws and regulations, such as, but not limited to, those in Section 2030.1205(a).

Section 2030.1230 Procurement Standards

- a) This Section provides standards for use by the Department in establishing procedures for the procurement with award funds of supplies, equipment, construction, and other services.
- b) The standards contained in this Section do not relieve the provider of the contractual responsibilities arising under its contracts and/or subawards. The recipient is the responsible authority, without recourse to the Department, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, state or Federal authorities as may have proper jurisdiction. Recipients may use their own procurement regulations which reflect applicable state and local law, rules and regulations provided that procurements made with Department award funds adhere to the standards set forth as follows:
- 1) The recipient shall maintain a code of standards of conduct which shall govern the performance of its officers, employees,

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or agents in contracting with the Department and expending Department award funds. Provider's officers, employees or agents, shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors and subcontractors or potential contractors and subcontractors. To the extent permissible by state or local law, rules or regulations, such standards shall provide the penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the provider officers, employees, or agents, or by contractors, subcontractors or their agents.

- 2) All procurement transactions shall be conducted in a manner that provides, to the maximum extent practical, open and free competition. The recipient shall establish procedures to avoid organizational conflicts of interest as defined in Section 2030.1215(a) or noncompetitive practices among contractors and subcontractors which may restrict or eliminate competition or otherwise restrain trade.

- 3) The recipient shall establish procurement procedures which provide for, at a minimum, the following procedural requirements:

- A) Proposed procurement actions shall be reviewed by provider officials to avoid purchasing items which are unnecessary, duplicative or inconsistent with the purposes of the award. Cost/benefit consideration shall be made of lease and purchase alternatives to determine the most economical and practical procurement.
- B) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurement, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used, the specific features of the named brand which must be met by offers should be clearly specified.
- C) Positive efforts shall be made to utilize small business and minority-owned business sources of supplies and services. The efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Department funds, without creating non-competition or restraining trade.
- D) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be based on a cost

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benefit consideration for the particular procurement and shall be consistent with the objectives of the award. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

- E) Formal advertising, with adequate purchase description, sealed bids, and public openings, shall be the required method of procurement unless negotiation pursuant to subsection (F) below is necessary to accomplish sound procurement. However, procurements of \$5,000 or less need not be so advertised unless otherwise required by state or local law or regulations. Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the provider, price and other factors considered. Factors such as discounts, transportation costs and taxes may be considered in determining the best bid. Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the provider. Any or all bids may be rejected when it is in the provider's interest to do so, and such rejections are in accordance with applicable state and local law, rules, and regulations.

- F) Procurements may be negotiated if:

- i) The exigency will not permit the delay incident to advertising;
- ii) The material or service to be procured is available from only one person or firm (All contemplated sole source procurements in which the aggregate expenditure is expected to exceed \$7,500 shall be referred to the Department for prior approval.);
- iii) The aggregate amount involved does not exceed \$5,000;
- iv) The contract or subaward is for personal or professional services, or for any service to be rendered by a university, college, or other educational institutions;
- v) No acceptable bids have been received after formal advertising;
- vi) The purchases are for highly perishable materials or medical supplies or for materials or services for which the prices are established by law and for technical items or equipment requiring standardization and interchangeability of parts with existing equipment;
- vii) otherwise authorized by law, rules, or regulations.

- G) Contracts and subawards shall be made only with

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responsible contractors and subproviders who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor or subprovider integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

- H) Procurement records or files for purchase in amounts in excess of \$5,000 shall provide the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor and/or subprovider selection, and the basis for the cost or price negotiated.
- I) A system for contract and/or subprovider conformance with terms, conditions, and specifications for the contract or order.
- J) The provider shall include provisions addressing the following matters:

- i) Contracts and subawards shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances in which contractors and/or subproviders violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- ii) Contracts in excess of \$5,000 shall contain suitable provisions for termination by the provider including the manner by which it will be effected and the basis for settlement. In addition, such contracts and/or subawards shall describe conditions under which the contract and/or subaward may be terminated for default as well as conditions for which the contract and/or subaward may be terminated because of circumstances beyond the control of the contractor and/or subprovider.
- iii) All negotiated contracts and/or subawards (except those of \$5,000 or less) awarded by providers shall include a provision to the effect that the duly authorized representatives of the provider and Department shall have access to any books, documents, papers, and records of the contractor and/or subprovider which are directly pertinent to a specific award funded program or services for the purpose of making audits, examinations, excerpts, and transcripts.

Section 2030.1245 Protection of Client Records/Confidentiality

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The fund recipient shall comply with Federal and State statutes and regulations governing the confidentiality of alcohol and drug abuse patient records, including the following:

- a) 42 U.S.C. 290 dd-3 (Supp. 1984)(alcohol);
- b) 42 U.S.C. 290 ee-3 (Supp. 1984)(substance abuse);
- c) 42 CFR 2 (1987);
- d) Supp. to Ill. Rev. Stat. 1989, ch. 111 1/2, par 6351-1 et seq.;
- e) 77 Ill. Adm. Code 2058.

Section 2030.1250 Publicity and Publications

Any publication of the results or accomplishments of any Department-funded activity shall contain the following or comparable acknowledgment: "This project was supported by an award from the Illinois Department of Alcoholism and Substance Abuse."

Section 2030.1255 Retention and Access Requirements for Records

All fiscal and programmatic records, supporting documents and all other books and records pertaining to, and required to be maintained by the terms of, any Department award shall be maintained and retained for a period of five years after final payment to allow for audit by the Department, the State of Illinois, the Federal government, and any persons duly authorized by the Department; provided, however, if any claim, litigation, audit, or other action has begun before the expiration of the five year period, the records shall be retained until completion of the action and resolution of all issues which arise from it.

Section 2030.1265 Severability

If any time or provision of an award document is held invalid, unenforceable, voidable or void, such term or provision shall not affect the other terms or provisions of the award document which can be given effect without the invalid term or provision.

SUBPART N: SPECIAL PROVISIONS

Section 2030.1310 Special Provisions for Purchase of Medical Services

- a) The purpose and intent of the Purchase of Medical Services program is to make the following medical services available to indigent Illinois residents: emergency medical assessment and treatment, backup medical support to social setting detoxification and other alcoholism treatment services, and medical detoxification when necessary.
- b) Facilities providing services to alcoholics shall comply with the

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c) provisions of the Act and any applicable Department rules. The programmatic and administrative requirements and procedures set forth in this Section are applicable to all services for which reimbursement is expected.

d) Basis of Payment

The basis of payment for eligible costs is the rate established by the Department of Public Aid under the Medicaid program, if a Department of Public Aid Provider Agreement exists or as negotiated by the Department.

e) Eligible Providers of Services

General and osteopathic hospitals, non-hospital emergency centers, and free-standing alcohol and substance abuse centers licensed by the State of Illinois.

f) Reimbursable Services

1) Alcoholism Purchase of Medical Services funds may not be used for any other primary diagnosis of non-alcoholic psychiatric conditions or any other concomitant medical conditions.

2) Purchase of Medical Services funds may be expended within the program component set forth in subsection (g) provided the program components conform to any applicable licensing requirements, are operated within the context of an appropriately licensed provider, and are provided for in an executed award document.

g) Program Components

1) The following program components provide medical services provided in a non-hospital emergency center or free standing alcoholism and substance abuse screening facility or outpatient clinic of a hospital licensed by the Illinois Department of Public Health. These medical services are specifically for the treatment of acute medical symptomology and complications directly attributable to or associated with the effects of intoxication and the disease of alcoholism.

A) Medical Assessment/Emergency Treatment includes the prompt assessment of all persons to determine the nature of the alcohol related problems, the level of urgency, identification of the kind of medical treatment required and assignment for admission or firm referral to the appropriate treatment/service facility.

B) Medical Detoxification Service (hospital) which provides immediate medical detoxification services. The purpose of a medical detoxification is medical intervention and management of the person incapacitated by withdrawal from alcohol. Medical detoxification services provided to persons who fit admission criteria for a social setting detoxification treatment service facility are reimbursable

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services pursuant to the award document, when a social setting detoxification treatment/service facility is not available in the area.

2)

For medical assessment, emergency treatment and medical detoxification services (hospital), the following apply:

A) These services are reimbursable from Purchase of Medical Services funds only by special arrangement between the hospital provider and the Department under the authority of a properly executed award document.

B)

Provider fees are allowable expenses as established by the Department of Public Aid under the Medicaid program or as negotiated by the Department.

C)

Physician's fees for services provided in conjunction with the above services, in order to be reimbursable through the Department's Purchase of Medical Services funds, shall be incorporated as part of the total hospital charges for each client billed to the Department unless the Department specifically contracts for physician services on a separate basis.

D)

Purchase of Medical Services funds will pay for a maximum of four days' treatment in a hospital or in another medical facility which conforms to Joint Commission of Accreditation of Hospitals as set forth in The Consolidated Standards Manual -- 85 For Child, Adolescent, and Adult Psychiatric, Alcoholism, and Drug Abuse Facilities and Facilities Serving the Mentally Retarded-Developmentally Disabled (1984) and Department of Public Health standards.

E)

The necessity for admission and any stay over four days shall be subject to the Provider's utilization review which shall include daily certification by a physician of the medical necessity for continued stay. Only charges for those days determined as medically necessary by the Provider's Utilization Review Committee will be honored for payment by the Department. Under no circumstances will the Department pay for more than ten consecutive days in any one treatment episode. Certification and Utilization Committee documentation is subject to review by the Department prior to payment.

F)

Notification of inpatient services rendered must be provided to the Department or its designee within 48 hours of admission in accordance with the award document. No billings will be paid for any client for whom the Department or its designee has not received 48 hours notification. "Release of information" signed by the client which conforms with the provisions of 42 CFR Part 2

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shall be provided in addition to copies of emergency room reports, admission and discharge summaries.

- G) The Department may designate in the award document a local alcoholism treatment provider to act in its behalf. The award document shall specify functions and responsibilities of the local alcoholism treatment provider.

h) Client Eligibility

This program is intended to provide financial support to individuals who cannot afford treatment and who would otherwise be denied treatment due to the lack of reimbursement by any other source. Therefore, only persons who, on the basis of inability to pay for their own treatment or lack of third party payments either through private carrier or other funding mechanism such as Medicaid or Medicare, shall be eligible for Department purchase of medical services funding. In order to be reimbursed by the Department through Purchase of Medical Services funding, providers must verify that the client's annual income is within the limitations set forth in the award document.

i) Treatment and Discharge

The following major points should be considered in the treatment and discharge of persons under this program and documented in the individual client records:

- 1) Conditions which justify the necessity of treatment provided (e.g., necessity of emergency treatment, hospitalization, etc.).
- 2) Description of medical services critical to and consistent with diagnosis shall include but not be limited to:
 - A) Examinations
 - B) Laboratory studies
 - C) Special diagnostic studies
 - D) Present illness -- treatment plan
 - E) Discharge plan
- 3) Firm referral to other alcoholism treatment programs in the client's community to ensure a continuum of care.
- j) Financial Determination
 - 1) Total documentation demonstrating that all third party funding sources have been exhausted need not be supplied by the hospital provider at the time of billing. However, such documentation shall be on file for inspection by Department staff or its designee. The hospital provider shall provide Department staff or its designee with access to all records pertaining to the client for whom billing is made under the award document.
 - A) The absence of a notice of denial of payment from all

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other sources for which the client is eligible shall be grounds for the Department to require reimbursement of charges and/or to deny payment.

- B) In the event that an additional source pays provider charges subsequent to payment by the Department, the Department shall be immediately notified and provision made for repayment either directly or through a billing adjustment.

- 2) Consent and firm referral forms must be in the client's file. Absence of such forms during monitoring review shall be grounds for the Department to require reimbursement of charges and/or deny payment.

k) Program Review

The Department or its designee may inspect and review the hospital Provider's Utilization Review Committee minutes and cumulative monthly summaries to evaluate the quality of services provided by the hospital provider. In conducting such inspection the Department shall adhere to the confidentiality requirements of Part 21 of Article VIII of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1989, Ch. 110, pars 8-2101 through 8-2105).

l) Fiscal Auditing

- 1) The Department will conduct random sample audits of client records to determine if the services billed for were provided. The Department will contact the local alcoholism treatment provider to determine any contacts, notifications and linkage performed.

- 2) The Department or other State or private agency, on behalf of the Department, will conduct random sample post billing audits of client's eligibility and financial status and, if such audit reveals that the hospital provider has billed for an ineligible client or has failed to pursue all sources of payment before billing Department, the hospital provider shall return to the Department all monies paid on behalf of such ineligible or financially able client.

m) Basis for Program Rates

Department rate methodology will be used for purchase of medical services when possible. Department funding alternatives include but are not limited to the following:

- 1) The Department shall reimburse the provider for eligible treatment services to alcoholics at the Department of Public Aid per diem rate established for each provider.
- 2) In those instances in which an exception to this rate is requested, the Department will review the proposed alternative rate structure and its supporting documentation. If the Department approves the alternative rate structure, a copy of such approved rates, with the effective dates, shall be

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attached to each copy of the agreement between the provider and the Department and shall be the basis for computing charges to the Department. Situations in which the Department will approve an alternative rate structure include but are not limited to the following:

- A) The provider is the sole source provider in the area;
- B) The provider, through internal fiscal restructuring can deliver this service at a more economical rate;
- C) Volume/market conditions make it advantageous to the provider to develop special package service rates.
- 3) For purposes of revising the rate during the award document period of performance, the provider must present the Department with fiscal and programmatic documents supporting a proposed revised rate at least thirty days prior to an implementation date which, if approved by the Department, will be attached to the agreement. The approved revised rate change shall not affect the maximum compensation payable under the award document.

n) Billing Procedures

The Department shall supply each hospital provider with billing forms. The provider shall submit its billings to the Department in accordance with the following instructions:

- 1) The "Summary of Services Provided" form should be prepared in triplicate. Providers are to attach itemized billings, including documentation of need for services rendered, to one copy and send additional copies (total of two) to the Department or its designee and retain one copy for the provider records.
- 2) The "Summary of Services Provided" form must be prepared in the same manner by physicians when fees for services are not included in the per diem rate. In those instances, providers will make simultaneous submission of physicians' and providers' "Summary of Services Provided".
- 3) The "Summary of Services Provided" form must be received by the Department no later than the 10th day of the month if payment is to be processed in that month.
- 4) Billings must be submitted to the Department on a monthly basis within thirty days after the end of each month for services provided in such month.

Section 2030.1320 Special Provisions for Prevention Services

- a) Alcohol and other drug abuse prevention is a process targeting 100% of the population, which supports individuals, communities, and family systems in creating healthy environments, lifestyles and

behaviors. Prevention services are an integral component in the array of alcohol and other drug abuse services, i.e., prevention, intervention and treatment. Effective prevention efforts decrease the likelihood of alcohol and other drug abuse; promote risk reduction, change community norms, strengthen public policy and assist individuals in developing their capabilities, thus ensuring a higher quality of life.

Providers must employ one or more of the following five prevention strategies:

- 1) Information Dissemination - Activities designed to increase the awareness and knowledge of the community regarding the nature and extent of substance abuse and appropriate prevention and treatment strategies and services.
 - 2) Skills Building - Approaches that focus on developing social competencies through the use of structured learning processes. These programs assist individuals to develop or improve their critical life skills, such as decision making, coping with stress, problem solving, interpersonal communication and parenting.
 - 3) Alternatives - Activities specifically related to prevention of substance abuse problems which provide challenging, positive growth experiences in which people can develop self-discipline, confidence, and personal and social awareness.
 - 4) Social Policy - Activities that attempt to change conditions to minimize the availability of drugs and other negative influences. Current legislation around alcohol and drug use falls within this strategy.
 - 5) Training of Impactors - Activities that are conducted with leaders of community systems in order to impact a large number of people through the impactors' efforts. The activities are designed to assist impactors in examining their own attitudes toward drug use and users, identifying how these attitudes affect the way they respond to alcohol and drug use behavior, and identifying their role in a comprehensive community-based prevention support system.
- b) Performance measures
- 1) Prevention projects must develop specific goals and objectives related to their prevention strategies, and demonstrate how stated goals and objectives will be the means by which the implementation of the strategies occur.
 - 2) Prevention projects must develop all strategies, and goals and objectives to achieve them, from a substance abuse perspective. Alcohol and other drugs must be dealt with in a unified approach to the abuse of chemicals.
 - 3) Prevention projects must provide evidence of the completion of a needs assessment based on locally derived data indicators

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which will, at a minimum, describe currently existing prevention resources within the community and the unmet needs which proposed services will fill.

- 4) Applicants for prevention funding must demonstrate the establishment of linkages with other community agencies which serve the target population. Such linkages must be in the form of letters of support or cooperation, referral agreements or other similar documents. A minimum of two such letters is required, one of which must be from the "In Touch" program.
- 5) Public information materials (printed and audio-visual) for which a Department award or subaward was made must be reviewed and approved in writing by the Department prior to release and dissemination. The Department may elect review and approval authority when deemed necessary.

- c) Department-funded prevention programs may charge reasonable fees to offset costs for services. The fees are intended to maximize and diversify revenue sources and shall not result in denial of services based on inability to pay.

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NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Fiscal and Programmatic Requirements

- 2) Code citation: 77 Ill. Adm. Code 2030

- 3) Section Numbers: Adopted Action:

2030.10	Repealer
2030.20	Repealer
2030.30	Repealer
2030.40	Repealer
2030.50	Repealer
2030.110	Repealer
2030.120	Repealer
2030.130	Repealer
2030.210	Repealer
2030.220	Repealer
2030.230	Repealer
2030.310	Repealer
2030.320	Repealer
2030.330	Repealer
2030.340	Repealer
2030.350	Repealer
2030.410	Repealer
2030.420	Repealer
2030.430	Repealer
2030.440	Repealer
2030.450	Repealer
2030.510	Repealer
2030.520	Repealer
2030.610	Repealer
2030.620	Repealer
2030.630	Repealer
2030.640	Repealer
2030.710	Repealer
2030.720	Repealer
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2030.760	Repealer
2030.810	Repealer
2030.820	Repealer
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2030.930	Repealer
2030.940	Repealer
2030.950	Repealer
2030.960	Repealer
2030.970	Repealer

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NOTICE OF ADOPTED REPEALER

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.
- 13) Will this repealer replace an Emergency Rule currently in effect? No.
- 14) Are there any amendments pending on this part? No.
- 15) Summary and Purpose of Rule(s): The rule is being repealed, so this is not relevant.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Name: Nancy J. Bennett, General Counsel
Address: Illinois Department of Alcoholism and Substance Abuse
SOIC 100 W. Randolph, Suite 5-600
Chicago, IL 60601
Telephone: (312) 814-6329

ILLINOIS REGISTER

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF ADOPTED REPEALER

- 2030.970 Repealer
2030.980 Repealer
2030.1010 Repealer
2030.1020 Repealer
2030.1030 Repealer
2030.1040 Repealer
2030.1110 Repealer
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2030.1320 Repealer
2030.1330 Repealer
2030.1340 Repealer
2030.1350 Repealer

- 4) Statutory Authority: Alcoholism and Substance Abuse Act, Supp. to Ill. Rev. Stat. 1983, Ch. 111 1/2, par. 6301 et. seq.

- 5) Effective Date of Repealer: February 4, 1992

- 6) Does this repealer contain an automatic repeal date?
Yes ☒ No ☐

Is so, please specify date: _____

- 7) Does this repealer contain incorporations by reference? No.
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?

- 8) Date Filed in Agency's Principal Office: January 9, 1992

- 9) Notice of Proposal Published in Illinois Register:
June 28, 1991, 15 Ill. Reg. 9153

- 10) Has JCAR issued a Statement of Objections to this repealer? No.

- 11) Difference(s) between proposal and final version: None

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NOTICE OF ADOPTED REPEALER

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NOTICE OF ADOPTED REPEALER

1) The Heading of the Part: Suspension and Termination of Financial Assistance.

2) Code citation: 77 Ill. Adm. Code 2032

3) Section Numbers: Adopted Action:

2032.10 Repealer
2032.15 Repealer
2032.20 Repealer
2032.25 Repealer
2032.30 Repealer
2032.35 Repealer
2032.40 Repealer
2032.45 Repealer
2032.50 Repealer
2032.55 Repealer
2032.60 Repealer

4) Statutory Authority: Alcoholism and Substance Abuse Act, Supp. to Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 6301 et seq.

5) Effective Date of Repealer: February 4, 1992

6) Does this rulemaking contain an automatic repeal date?

Yes ☒ No ☐

If so, please specify date: _____

7) Does this repealer contain incorporations by reference? No.
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?

8) Date Filed in Agency's Principal Office: January 9, 1992

9) Notice of Proposal Published in Illinois Register:
June 28, 1991, 15 Ill. Reg. 9218.
(issue date)

10) Has JCAR issued a Statement of Objections to this repealer? No.

11) Difference(s) between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No

changes were requested.

13) Will this repealer replace an Emergency Rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule(s): This rule is being repealed, so this is not relevant.

16) Information and questions regarding this adopted repealer shall be directed to:

Name: Nancy J. Bennett, General Counsel
Address: Illinois Department of Alcoholism and Substance Abuse
SOIC 100 W. Randolph, Suite 5-600
Chicago, IL 60601
Telephone: (312) 814-6329

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Purchase and Sale of Electric Energy from Qualified Solid Waste Energy Facilities

- 2) Code Citation: 83 Ill. Adm. Code 445

- 3) Section Numbers: Adopted Action:

445.40
445.50
445.70

Amendment
Amendment
Amendment

- 4) Statutory Authority: Implementing Section 3.1 of the Local Solid Waste Disposal Act (Ill. Rev. Stat. 1989, ch. 85, par. 5903.1) and implementing Sections 8-403.1 and 9-215.1 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-403.1, 9-215.1 and 10-101).

- 5) Effective Date of Amendments: February 1, 1992

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these amendments contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: January 23, 1992

- 9) Notice of Proposal Published in Illinois Register:

August 2, 1991, at 15 Ill. Reg. 11025.

- 10) Has JCAR issued a Statement of Objections to these amendments?
No.

- 11) Difference(s) between proposal and final version:

Section 445.40(b): corrected misspelling of "preserve."

Section 445.40(b): used "landfill-generated methane" instead of original terminology.

Section 445.50(b) and (c): eliminated redundant language.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
None required.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace emergency amendments currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendments: These amendments reflect statutory changes and clarify the date from which certification must be made to the Commission concerning operations.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER C: ELECTRIC UTILITIES

PART 445
PURCHASE AND SALE OF ELECTRIC ENERGY FROM QUALIFIED SOLID WASTE
ENERGY FACILITIES

Section

445.10 Applicability
445.20 Definitions
445.30 Availability of Benefits
445.40 Terms and Conditions of Service
445.50 Reporting Requirements
445.60 Purchase Rates
445.70 Tax Credits
445.80 Remedy

AUTHORITY: Implementing Section 3.1 of the Local Solid Waste Disposal Act (Ill. Rev. Stat. 1989, ch. 85, par. 5903.1) and Implementing Sections 8-403.1 and 9-215.1 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-403.1, 9-215.1 and 10-101).

SOURCE: Adopted at 14 Ill. Reg. 626, effective January 1, 1990; amended at 16 Ill. Reg. 2535, effective February 1, 1992.

Section 445.40 Terms and Conditions of Service

- a) The electric utility shall negotiate terms and conditions of service with the owner(s) or developer(s) of a qualified solid waste energy facility in accordance with the utility's standard terms and conditions of service for small power producers compiled pursuant to 83 Ill. Adm. Code 430.40.
- b) Electric utilities shall be required to enter into long-term contracts to purchase electric energy from qualified solid waste energy facilities located in the electric utility's service area for a period beginning on the date the qualified solid waste energy facility begins generating electric energy, and continuing for a minimum of twenty years thereafter, including qualified solid waste energy facilities fueled by landfill-generated methane gas which are located at landfills owned by a forest preserve district, or ten years in the case of qualified solid waste energy facilities fueled by methane

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gas-generated from landfills landfill-generated methane gas which are not located at landfills owned by a forest preserve district.

(Source: Amended at 16 Ill. Reg. 2535, effective February 1, 1992)

Section 445.50 Reporting Requirements

- a) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually report to the Commission, on an annual basis following the date of commercial operation of the facility, that solid waste is expected to comprise, at the minimum, 95 percent of the annual fuel loading for the following twelve months. In December of each year following the year of the facility's commercial operation date, the owner(s) or operator shall report the actual fuel loading for the twelve month period ending on November 30th of the same year. The use of natural gas, oil, or other fuels in connection with ignition, start-up, testing, flame stabilization and control, maintenance of minimum combustion temperatures, and during unanticipated outages of the solid waste sources shall not be included in any calculation of annual fuel loading.
- b) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually certify to the Commission, on an annual basis following the date of commercial operation of the facility, that solid waste is expected to comprise, at the minimum, 95 percent of the annual fuel loading for the following twelve months. In December of each year following the year of the facility's commercial operation date, the owner(s) or operator shall report the actual fuel loading for the twelve month period ending on November 30th of the same year. The use of natural gas, oil, or other fuels in connection with ignition, start-up, testing, flame stabilization and control, maintenance of minimum combustion temperatures, and during unanticipated outages of the solid waste sources shall not be included in any calculation of annual fuel loading.
- c) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually certify to the Commission, on an annual basis following the date of commercial operation of the facility, that the solid waste throughput volume for the following twelve months shall, at a minimum, be 66 percent of the yearly design capacity of the facility. In December of each year following the year of the facility's commercial operation date, the owner(s) or operator shall report the throughput volume for the twelve month period ending on November 30th of the same year.

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electric energy contracted for each year of the contract period.

h) Each electric utility shall list separately in its monthly reports of tax credits to the Commission and the Illinois Department of Revenue:

1) any reasonable and necessary costs incurred in displacing electric energy from qualifying facilities because of purchases made pursuant to Section 8-403.1 of the Act, and

2) its avoided total costs from electric energy purchases from qualified solid waste energy facilities and a breakdown of these costs into energy and capacity as defined by 83 Ill. Adm. Code 430.30.

i) Each utility shall provide to all qualified solid waste energy facilities from which the utility purchases electric energy the information submitted to the Commission under subsections (e), (f), (g), and (h), and a detailed breakdown of costs described in Section 8-403.1(d)(ii) of the Act assigned to the qualified solid waste energy facility specified. A facility may file a petition with the Commission under Section 445.80 contesting the validity of the information.

j) In the event that a qualified solid waste facility fails to comply with the certification requirements of subsections (a), (b) or (c), or in the event that for an annual reporting period as referred in the above sections (b) and (c) the facility ceases to be in compliance with the qualifying requirements of this Part or Section 8-403.1 of the Act, provided that the owner(s) or operator of the facility makes efforts to remedy non-compliance, the facility shall have 90 days in which to cure its noncompliance. If at the end of the 90-day cure period the facility has failed to comply with the said requirements, the purchase rate provided in Section 445.60(b) shall be suspended until such time as the facility certifies that it has complied with this Part, which in the case of subsection (a) shall be at any time, and in the case of subsection (b) or (c) shall be for the latest 12 months of facility operation. If the facility continues to maintain its status as a qualifying facility, it shall receive during the suspension period the rate that the utility would have paid for purchases of

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d) The owner(s) or operator of a qualified solid waste energy facility shall notify the Commission and all electric utilities to which the facility sells electric energy within 30 days of the date of a decision by a court or agency of competent jurisdiction in which the facility loses its status under the Act or this Part. The notification shall state that the facility no longer qualifies, the reasons therefor, and the anticipated date when the facility shall again qualify under the Act or this Part.

e) Displacement reports

1) Each electric utility shall report to the Commission in December of each year an estimate of the amounts and types of fuels displaced pursuant to Section 8-403.1(g) of the Act. Each utility also shall report an estimate of additional costs it incurred to alter its economic dispatch procedures pursuant to Section 8-403.1(g) of the Act. These costs may include added fuel costs caused by deviating from economic dispatch, computer software costs to alter plant dispatching, monitoring and control costs, as well as any other costs incurred to comply with Section 8-403.1(g) of the Act.

2) In the event that an electric utility is constrained from displacement of fuels by existing technical, contractual or other circumstances, the utility shall report such circumstances and show why displacement is not practicable. The Commission will weigh the practicability of displacement against the general requirement of displacement pursuant to Section 8-403.1(g) of the Act. In case of a successful showing of cause for exemption from displacement, the utility need not comply with the reporting requirements of subsection (e).

f) Each electric utility shall report to the Commission in December of each year any economic loss it incurred during the twelve month period ending on November 30th of the same year in complying with the requirements of Section 8-403.1 of the Act and this Part.

g) Within 60 days of the signing of a contract with a qualified solid waste energy facility, each electric utility shall report to the Commission the amounts of

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electric energy from a qualifying facility pursuant to 83 Ill. Adm. Code 430.80.

(Source: Amended at 16 Ill. Reg. 2535, effective February 1, 1992)

Section 445.70 Tax Credits

a) Calculation of monthly tax credit

- 1) Each utility shall calculate tax credits using the following formula to assure compliance with Section 8-403.1(d) of the Act.

C = P-(R-O), where

C = Public utility tax credit.

P = Actual total dollar amount paid for purchases from a qualified solid waste energy facility applying the price specified in Section 445.60(b).

R = The total amount that the utility would have paid a qualified solid waste energy facility pursuant to 83 Ill. Adm. Code 430.80.

O = Any amounts in the form of reasonable and necessary costs incurred by a utility in displacing electric energy from qualifying facilities because of purchases made pursuant to Section 8-403.1(c) of the Act. Such costs shall include those incremental costs of system operation reasonably incurred by a utility (excluding those resulting from Section 445.60 of this Part) as a direct result of having to purchase electric energy from qualified solid waste energy facilities in lieu of purchasing equivalent amounts of electric energy from other qualifying facilities.

- 2) At the time the owner(s) or developer(s) of a qualified solid waste energy facility enters into a contract with an electric utility for the sale of electric energy to the electric utility, the

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owner(s) or developer(s) of a qualified solid waste energy facility may elect one of the methodologies specified in 83 Ill. Adm. Code 430.80. In the event of an impasse in negotiations between the utility and the facility, either party may request a determination of the issues by the Commission, based on the criteria in 83 Ill. Adm. Code 430.80.

b) Reimbursement by qualified solid waste energy facility

- 1) The owner(s) or operator of a qualified solid waste energy facility shall file with the Commission and the Illinois Department of Revenue a proposed reimbursement schedule. The schedule shall be filed no later than one year prior to the start of the reimbursement period. The schedule shall state the anticipated annual repayments over the reimbursement period.

- 2) The starting date of reimbursement to the General Revenue Fund of tax credits accumulated for a qualified solid waste energy facility or an electric generating facility fueled by landfill generated methane gas located at a landfill owned by a forest preserve district shall not exceed twenty years from the date the facility begins commercial operation, after all operational and acceptance testing has been completed. For an electric generating facility fueled by methane gas generated from landfills, the starting date of reimbursement shall not exceed ten years from the date the facility begins commercial operation, after all operational and acceptance testing has been completed.

- 3) The reimbursement payments of a qualified solid waste energy facility shall equal the sum of the tax credits accumulated under Section 8-403.1(d) of the Act.

- 4) All tax credits accumulated for a qualified solid waste energy facility shall be fully reimbursed by that facility to the General Revenue Fund by the end of the actual useful life of the facility.

- 5) In no event shall a utility be required to reimburse the General Revenue Fund for tax credits received under Section 8-403.1 of the Act or this Part.

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c) Tax credit disputes

- 1) The Illinois Department of Revenue, the owner(s) or operator of any qualified solid waste energy facility, or the involved unit or units of local government may request a decision by the Commission concerning any costs relating to tax credits claimed by the utility, or any other tax credit dispute with a utility, in accordance with this Act or this Part.
- 2) Any petition by the Illinois Department of Revenue or a qualified solid waste energy facility requesting a decision pursuant to subsection (c)(1) shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200).

(Source: Amended at 16 Ill. Reg. 2535 , effective February 1, 1992)

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Standards of Service for Electric Utilities
- 2) Code Citation: 83 Ill. Adm. Code 410
- 3) Section Numbers: Adopted Action:
410.360 Repealed
- 4) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-301 and 10-101).
- 5) Effective Date of Amendment: February 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 23, 1992
- 9) Notice of Proposal Published in Illinois Register:
August 23, 1991, at 15 Ill. Reg. 11899.
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
None required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: P.A. 87-14 ended the Residential Energy Assistance Partnership Program. With the cessation of this Program, there is no longer any need to require billing information pertaining to the Program on utility bills.

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 410

STANDARDS OF SERVICE FOR ELECTRIC UTILITIES

SUBPART A: GENERAL

Section	
410.10	Authorization
410.20	Application
410.30	Exemptions or Deviations in Particular Cases
410.40	Saving Clause

SUBPART B: STANDARDS OF SERVICE

Section	
410.110	Records and Reports
410.120	Meter Records
410.130	Customer Meter Test Records
410.140	Station Records
410.150	Complaints
410.160	Interruptions of Service
410.170	Location of Meters
410.175	Separate Metering
410.180	Testing Facilities and Equipment
410.190	Customer Meter Test Loads
410.200	Customer Watthour Meter Accuracy Requirements
410.210	Customer Demand Meter Accuracy Requirements
410.220	Initial Tests
410.230	Periodic Test of Customer Meters
410.240	Meter Tests Requested by Customer
410.250	Commission Referee Tests
410.260	Adjustments of Bills for Meter Error
410.270	Installation Inspections
410.280	Voltage Regulation
410.290	Voltage Surveys
410.300	Standard Frequency
410.310	Grounding of Secondaries
410.320	Service Drops
410.330	Extension of Lines in Urban Area
410.340	Extension of Lines in Rural Areas
410.350	Information to Customers
410.360	Information to REAPP Customers (Repealed)

AUTHORITY: Implementing Section 8-301 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-301 and 10-101).

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- E) The unpaid previous balance (amounts outlined above in subsections (a)(1)(A)-(D) that were due and not paid);
- F) The total amount due to stay on the program;
- G) The current month's REAPP shortfall (the difference between the participant's actual bill and the REAPP payment due) reflected as either a credit to the customer's account or a credit to the State of Illinois;

H) Any payment towards pre-program arrears made by the State of Illinois (this amount shall be reflected only on the bill corresponding to the month in which credit is received) and;

I) The current arrearage balance to date.

2) For those customers participating under 47 Ill. Adm. Code 100.110(b)(1)(B), the following additional information shall clearly be shown listed vertically for easy readability:

- A) The amount of the current month's REAPP benefit applied;
- B) The deposit installment due in cases where a utility requires a deposit;
- C) The customer's required payment toward any outstanding pre-program arrears;
- D) The unpaid previous balance (amounts required to stay on the program that were due and not paid);
- E) The total amount due to stay on the program;
- F) Any payment towards pre-program arrears made by the State of Illinois (the amount shall be reflected only on the bill corresponding to the month in which credit is received) and;
- G) The current arrearage balance to date.

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SOURCE: Effective August 1, 1948; amended at 5 Ill. Reg. 6805, effective June 12, 1981; codified at 8 Ill. Reg. 12183, amended at 10 Ill. Reg. 148, effective December 23, 1985; amended at 11 Ill. Reg. 8964, effective May 1, 1987; emergency amendment at 13 Ill. Reg. 16563, effective October 10, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 3454, effective March 1, 1990; amended at 16 Ill. Reg. 2544, effective February 1, 1992.

NOTE: Capitalization or italics denote statutory language.

Section 410.360 Information to REAPP Customers (Repealed)

a) In accordance with 47 Ill. Adm. Code 100, "Residential Energy Assistance Partnership Program," bills rendered periodically for metered service to those customers who are participants in the Residential Energy Assistance Partnership Program ("REAPP" or "Program") shall contain information in addition to that already set forth in Section 410.350. Definitions for the terms used in the remainder of this Section are found in 47 Ill. Adm. Code 100.:

- 1) For those customers participating under 47 Ill. Adm. Code 100.110(b)(2)(B), the following additional information shall clearly be shown listed vertically for easy readability:
- A) The payment amount for the primary source of heat and secondary utility service calculated at 12% of a household's income where the utility provides both services; the payment amount for the primary source of heat calculated at 8% of a household's income where the utility provides only the primary source of heat; or the payment amount for secondary utility service calculated at 4% of a household's income where the utility provides only secondary service;
- B) The deposit installment due in cases where a utility requires a deposit;
- C) The customer's required payment toward any outstanding pre-program arrears;
- D) For bills issued on or after November 1, 1991, the current payment due for above average use;

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b) All utilities shall file with the Commission a proposed tariff under Section 9-201 of The Public Utilities Act which contains a bill form complying with the requirements of subsection (a) within 30 days after the effective date of this amendment.

c) In cases where the requirements of this Section would place an undue burden upon small utilities, "small" being defined as those utilities serving 15,000 or fewer customers in the State of Illinois, a utility may file with the Commission, in accordance with 83 Ill. Adm. Code 200, a petition for approval of an alternative proposed form of billing. In deciding whether to approve an alternative form of billing, the Commission will weigh the cost of adding the information against the small utility's operating budget. In the event that the utility serves more than half of its customers in another state, the alternative proposed form of billing may take the form of the bill used in the other state, provided that this bill contains substantially the same information required in subsection (a). Otherwise, this proposed form of billing shall include such information set forth in subsection (a) as can reasonably be placed on such a bill. In determining what information can reasonably be placed on such a bill, the Commission shall consider:

- 1) The benefit to customers of including various types of information, and
- 2) The cost of providing these types of information to customers.

(Source: Repealed at 16 Ill. Reg. 2544, effective February 1, 1992)

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- 1) The Heading of the Part: Standards of Service for Gas Utilities
- 2) Code Citation: 83 Ill. Adm. Code 500
- 3) Section Numbers: Adopted Action:
500.335 Repealed
- 4) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-301 and 10-101).
- 5) Effective Date of Amendment: February 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 23, 1992
- 9) Notice of Proposal Published in Illinois Register:
August 23, 1991, at 15 Ill. Reg. 11905.
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
None required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: P.A. 87-14 ended the Residential Energy Assistance Partnership Program. With the cessation of this program, there is no longer any need to require billing information pertaining to the Program on utility bills.

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NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 500

STANDARDS OF SERVICE FOR GAS UTILITIES

SUBPART A: PRELIMINARY

Section
500.10
500.20
500.30
500.40

Authorization
Application
Exemptions or Deviations in Particular Cases
Saving Clause

SUBPART B: STANDARDS OF SERVICE

Section
500.110
500.120
500.130
500.140
500.150
500.160
500.170
500.180
500.190
500.200
500.210
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500.250
500.260
500.270
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500.290
500.300
500.310
500.320
500.330
500.335
500.340

Records and Reports
Customer Meter History Records
Customer Meter Test Records
Plant Records
Complaints
Interruptions of Service
Location of Service Meters
Testing Facilities and Equipment
Customer Meter Accuracy Requirements
Customer Meter Test Loads
Periodic Tests of Customer Meters
Sample Testing of Meters
Meter Tests Requested by Customers
Commission Referee Tests
Adjustment of Bills for Meter Error
Installation Inspection
Pressure Regulation
Heating Value and Calorimeter Equipment
Purity of Gas
Odorization of Gas
Extension of Distribution Mains in Urban Areas
Extension of Distribution Mains in Rural Areas
Information to Customers
Information to REAPP Customers (Repealed)
Maintenance and Replacement of Service Pipes

AUTHORITY: Implementing Section 8-301 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-301 and 10-101).

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NOTICE OF ADOPTED AMENDMENT

SOURCE: Filed and effective August 1, 1965; codified at 8 Ill. Reg. 7606; amended at 8 Ill. Reg. 14960, effective September 1, 1984; amended at 10 Ill. Reg. 154, effective December 23, 1985; amended at 11 Ill. Reg. 8976, effective May 1, 1987; emergency amendment at 13 Ill. Reg. 16571, effective October 10, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 3463, effective March 1, 1990; amended at 16 Ill. Reg. 2550, effective February 1, 1992.

NOTE: Capitalization or italics denote statutory language.

Section 500.335 Information to REAPP Customers (Repealed)

a) In accordance with 47 Ill. Adm. Code 100, "Residential Energy Assistance Partnership Program," bills rendered periodically for metered service to those customers who are participants in the Residential Energy Assistance Partnership Program ("REAPP" or "Program") shall contain information in addition to that already set forth in Section 500.330. Definitions for the terms used in the remainder of this Section are found in 47 Ill. Adm. Code 100.

1) For those customers participating under 47 Ill. Adm. Code 100.110(b)(2)(B), the following additional information shall clearly be shown listed vertically for easy readability:

- A) The payment amount for the primary source of heat and secondary utility service calculated at 12% of a household's income where the utility provides both services; the payment amount for the primary source of heat calculated at 8% of a household's income where the utility provides only the primary source of heat; or the payment amount for secondary utility service calculated at 4% of a household's income where the utility provides only secondary utility service;
- B) The deposit installment due in cases where a utility requires a deposit;
- C) The customer's required payment toward any outstanding pre-program arrears;
- D) For bills issued on or after November 1, 1991, the current payment due for above average use;

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E) The unpaid previous balance amounts outlined above in subsections (a)(1)(A)-(D) that were due and not paid;

F) The total amount due to stay on the program;

G) The current month's REAPP shortfall (the difference between the participant's actual bill and the REAPP payment due) reflected as either a credit to the customer's account or a credit to the State of Illinois;

H) Any payment towards pre-program arrears made by the State of Illinois (this amount shall be reflected only on the bill corresponding to the month in which credit is received) and;

I) The current arrearage balance to date.

2) For those customers participating under 47 Ill. Adm. Code 100.110(b)(1)(B), the following additional information shall clearly be shown listed vertically for easy readability:

- A) The amount of the current month's REAPP benefit applied;
- B) The deposit installment due in cases where a utility requires a deposit;
- C) The customer's required payment toward any outstanding pre-program arrears;
- D) The unpaid previous balance (amounts required to stay on the program that were due and not paid);
- E) The total amount due to stay on the program;
- F) Any payment towards pre-program arrears made by the State of Illinois (the amount shall be reflected only on the bill corresponding to the month in which credit is received) and;
- G) The current arrearage balance to date.

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b) All utilities shall file with the Commission a proposed tariff under Section 9-201 of The Public Utilities Act which contains a bill form complying with the requirements of subsection (a) within 30 days after the effective date of this amendment.

c) In cases where the requirements of this Section would place an undue burden upon small utilities, "small" being defined as those utilities serving 15,000 or fewer customers in the State of Illinois, a utility may file with the Commission, in accordance with 83 Ill. Adm. Code 200, a petition for approval of an alternative proposed form of billing. In deciding whether to approve an alternative form of billing, the Commission will weigh the cost of adding the information against the small utility's operating budget. In the event that the utility serves more than half of its customers in another state, the alternative proposed form of billing may take the form of the bill used in the other state, provided that this bill contains substantially the same information required in subsection (a). Otherwise, this proposed form of billing shall include such information set forth in subsection (a) as can reasonably be placed on such a bill. In determining what information can reasonably be placed on such a bill, the Commission shall consider:

- 1) The benefit to customers of including various types of information, and
- 2) The cost of providing these types of information to customers.

(Source: Repealed at 16 Ill. Reg. 2550 , effective February 1, 1992)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Claims, Adjudication, Appeals and Hearings

2) Code Citation: 56 Ill. Adm. Code 2720

3) Section Number:

2720.1	Adopted Action:
2720.5	Amended Section
2720.7	Amended Section
2720.10	New Section
2720.108	Amended Section
2720.130	New Section
2720.215	Amended Section
2720.240	Amended Section
2720.315	Amended Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, pars. 347, 349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 701, 702 and 704.

5) Effective Date of the Amendment: January 30, 1992.

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this Rule contain an incorporation by reference? No.

8) Date filed in Agency's Principal Office: January 30, 1992.

9) Notice of Proposal published in Illinois Register: October 11, 1991 at 15 Ill. Reg. 14343.

10) Has JCAR issued a Statement of Objection to these Rules? No.

11) Difference between proposal and final version: In Section 2720.108(a), the comma after "term" is deleted; in Section 2720.130(a)(1), the comma between "mailed" and "or" is deleted; in Section 2720.215(e) Section is capitalized; and, in Section 2720.315(b), "...of the date an appeal is filed or by the appellee within 20 days of the date of mailing..." is changed to "...after the date an appeal is filed or by the appellee within 20 days after the date of mailing....".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

15) Summary and purpose of the rules: The Department has received requests from employers to receive certain notices from the Department through the use of electronic mail. These rules accommodate those requests by setting guidelines for the use of electronic mail.

Several questions have been raised regarding the Director's interpretation of the alternative base period provided for in Section 237 of the Act. Section 2720.108 is explains the Director's interpretation of this Section by explaining the circumstances under which the alternative base period provisions can be utilized.

In response to complaints that the rules for setting telephone hearings and for submitting briefs to the Board of Review are too stringent, these rules are being modified to allow more flexibility in these areas.

Because of complaints about inconsistency in the granting of continuances and complaints about delays due to unjustified requests for continuances by attorneys, this rule is being modified to set forth examples of when continuances will be granted.

Other changes are technical corrections to current language meant to update references or correct grammar.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-2333

The full Text of the Adopted Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2720
CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section

Definitions

2720.1 "Week" In Relation To "Benefit Year"

2720.3 Service Of Notices, Decisions, Orders

2720.5 Application For Electronic Data Transmission

2720.7 Computation Of Time

2720.10 Disqualification Of Adjudicator, Referee, Or Board Of Review

2720.15 Attorney Representation Of Claimants

2720.20 Form Of Papers Filed

2720.25 Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

2720.100 Filing A Claim

2720.101 Filing, Registering And Reporting By Mail Under Special Circumstances

2720.105 Time For Filing An Initial Claim For Benefits

2720.106 Dating Of Claims For Weeks Of Partial Unemployment

2720.107 Employing Unit Reports For Partial Unemployment

2720.108 Alternative "Base Period"

2720.110 Required Second Visit To Local Office

2720.115 Continuing Eligibility Requirements

2720.120 Time For Filing Claim Certification For Continued Benefits

2720.125 Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)

2720.126 Availability For Part Time Work Only (Repealed)

2720.127 Director's Approval Of Training (Repealed)

2720.128 Active Search For Work: Attendance At Training Courses (Repealed)

2720.129 Regular Attendance In Approved Training (Repealed)

2720.130 Employing Unit Protest Of Benefit Payment

2720.132 Required Notice By An Employer Of Separation For Alleged

Pelony Or Theft Connected With The Work

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AUTHORITY: Implementing and authorized by Sections 237, 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 347, 349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 701, 702 and 704).

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992.

SUBPART A: GENERAL PROVISIONS

Section 2720.1 Definitions

All other terms used in this Part shall have the meaning set forth in definitions, Sections 200 through 247 of the Unemployment Insurance Act (Ill. Rev. Stat. 19879, ch. 48, pars. 310 through 372), unless the context requires otherwise. Throughout this Part, the use of terms imparting the masculine gender shall also apply to the feminine gender.

"Act" means the Unemployment Insurance Act, as amended (Ill. Rev. Stat. 19879, ch. 48, pars. 300 et seq.).

"Adjudicator" means the person authorized to make findings, determinations or recoupment decisions relating to a claimant's eligibility for unemployment insurance benefits.

"Agency" means the Department of Employment Security.

"Appeal" means the process of agency or judicial review of a Finding, Determination or Decision.

"Appellant" means a party who appeals an Agency finding, determination or decision.

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2720.135 Adjudicator Investigation
2720.140 Adjudicator Determination
2720.145 Payment Of Unemployment Insurance Benefits For Initial Claims
2720.150 Applying For Unemployment Insurance Benefits Under Extension Programs
2720.155 Non-Resident Application For Benefits
2720.160 Reconsidered Findings Or Determinations

SUBPART C: APPEALS TO REFEREE

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2720.200 Filing Of Appeal
2720.205 Notice Of Hearing
2720.210 Preparation For The Hearing
2720.215 Format Of Hearings
2720.220 Ex Parte (One Party Only) Communications
2720.225 Subpoenas
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2720.230 Consolidation Or Severance Of Proceedings
2720.235 Withdrawal Of Appeal
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2720.245 Conduct Of Hearing
2720.250 Rules Of Evidence
2720.255 Failure Of Party To Appear At The Scheduled Hearing
2720.265 The Record
2720.270 Referee's Decision
2720.275 Labor Dispute Appeals
2720.277 Prehearing Conference In Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

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2720.300 Filing Of Appeal
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2720.310 Request For Oral Argument
2720.315 Submission Of Request-For-Written Argument Or Request To Submit Additional Evidence
2720.320 Access To Record
2720.325 Withdrawal Of Appeal
2720.330 Consolidation Or Severance Of Appeals
2720.335 Decision Of The Board Of Review
2720.340 Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345 Issuance Of Notice Of Right To Sue

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"Appellee means a party to a finding, determination or decision appealed by the appellant.

"Board" means the Board of Review of the Department of Employment Security.

"Claim Series" means a week or series of consecutive weeks for which benefit or waiting week credit is granted.

"Claimant" means a person who applies for benefits under the Act.

"Customary occupation" means the work in which the individual was last engaged or the occupation for which he is best qualified by training, experience and education.

"Decision" means the statement made by a Referee, the Director or the Board of Review with respect to any appeal from a finding or determination relating to rights or obligations under the Act or a statement by an adjudicator that an employing unit's protest is insufficient.

"Determination" means An Adjudicator's statement of whether or not a claimant is eligible for benefits or waiting week credit, and the dollar amount of such benefits for each week with respect to which a claim is made (Section 702 of the Act, Ill. Rev. Stat. 19879, ch. 48, par. 452).

"Director's Representative" means an employee of the Agency designated by the Director of Employment Security to conduct hearings and to recommend decisions to the Director.

"Electronic data transmission" is a means by which the Director provides an electronic transfer of the "Notice of Claim to Last Employing Unit and Last Employer or other Interested Party" to the data center of the Illinois Department of Central Management Services where the transmission can be retrieved by the employing unit (see Section 2720.7).

"Employing unit" shall have the same meaning as that set forth in Section 204 of the Act (Ill. Rev. Stat. 19879, ch. 48, par. 314).

"Filing date" means the date a document was mailed to or received by the Agency, whichever is earlier.

"Finding" means a statement by an Adjudicator of the amount of wages for insured work paid to a claimant during each quarter in the claimant's base period by each employer (Section 701 of the Act, Ill. Rev. Stat. 19879, ch. 48, par. 451).

"Full-time work" is the number of hours a class of workers would customarily work if the employing unit had all of the work it could handle without working overtime. Except where the contrary is provided by a collective bargaining agreement or company policy, full time work is customarily 40 hours per week. For example, 37.5 hours per week is full time work for Illinois state employees because it is so provided by state personnel policy.

"Initial claim" means an application for benefits which, meeting all monetary eligibility requirements, commences a claim series.

"Local office" means the office of the Agency servicing claimants who live in a specific geographical area.

"Monetary eligibility" means a claimant's eligibility for a weekly amount of unemployment insurance and the amount of dependency allowance, if any, based on the amount of qualifying wages paid.

"Nonmonetary eligibility" means that the claimant has established monetary eligibility and has not been found ineligible or subject to disqualification under the Act from receiving unemployment insurance benefits.

"Part-time work" means services not normally required for the customary schedule of full time hours or days prevailing in the establishment in which such services are performed, or services performed by a person who, owing to his personal circumstances or the nature of the work he is qualified to perform, does not customarily work the schedule of full time hours or days prevailing in the establishment in which he is employed (Section 407 of the Act, Ill. Rev. Stat. 19879, ch. 48, par. 407). Generally, part work will be less than 40 hours

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per week except where company policy or a collective bargaining agreement provides for a lesser number of hours per week as full time work. In such cases, part time work shall be work less than the number of full time hours set by the collective bargaining agreement or company policy.

"Part-total employment" means part-time work with an employing unit other than one's regular employing unit.

Example: The claimant is laid off by Company A, his regular employing unit, as defined in this Section, and accepts temporary, part-time work with Company B, an employing unit other than his regular employing unit. The part-time work with Company B constitutes "part-total employment."

"Partial employment" means part-time work with one's regular employment unit.

"Party" means, with respect to issues of nonmonetary eligibility, the claimant and any employing unit which files a timely and sufficient protest pursuant to Section 2720.130 of this Part. Only a party under Section 702 of the Act may appeal a nonmonetary determination or decision of the Agency regarding eligibility for benefits. With respect to findings under Section 701 of the Act, "party" means the claimant and any employer whose base period wages are in question. With respect to the issues of sufficiency and timeliness of a protest pursuant to Section 2720.130 of this Part, "Party" means only the employing unit which files the protest.

"Protest" means the Agency form, "Employer Notice of Possible Ineligibility," or a letter in lieu thereof, which alleges that the claimant is not entitled to unemployment insurance benefits.

"Referee" means the hearing officer authorized to conduct hearings on appealed Adjudicator findings, determinations or recoupment decisions and to make decisions on the matters appealed.

"Regular employing unit" is either the employing unit for which an individual expects to continue working and to work full time if business warrants it, or any

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employing unit for which the individual worked full time for nine consecutive weeks during the preceding 52 weeks.

"Service area" means a geographical area served by a local office.

"Services" means not only work actually performed, but the entire employer-employee relationship. Any attachment to an employing unit for which wages are payable constitutes a service for that employing unit.

(Source: Amended at 16 Ill. Reg. 2556, effective January 30, 1992.)

Section 2720.5 Service Of Notices, Decisions, Orders

a) Except as provided in subsection (b), a notice, decision or order shall be served on every party, either by:

- 1) Personal service; or,
- 2) Mailing in an envelope, sealed and properly addressed to the last known address of the party, with the correct amount of postage prepaid.

b) Where an agreement is made between the agency and the employing unit (or its authorized agent) and the necessary identifying information is available, the "Notice of Claim to Last Employing Unit and Last Employer or other Interested Party" shall be sent to the employing unit (or its authorized agent) by means of an electronic data transmission rather than by mailing a document to the employing unit.

c) A person may designate an agent to receive his notices and decisions by filing the name and address of the agent with the Agency. In such cases, notice to the agent so designated is notice to the person. A person's designation of the agent shall remain in effect until the Agency receives a notice that the agency relationship no longer exists.

cd) Notwithstanding the appointment of an agent in accordance with subsection (bc), the "Notice of Claim to Last Employing Unit and Last Employer or other Inter-

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ested Party "Notice-to-Last-Employing-Unit"-and-the
"Notice-of-Additional-Claim" (see Section 2720.130)
shall be sent to the employing unit identified by the
claimant at the time he files his claim for benefits.

(Source: Amended at 16 Ill. Reg. 2556, effective January 30, 1992.)
Section 2720.7 Application For Electronic Data Transmission

a) In lieu of receiving its "Notice of Claim to Last
Employing Unit and Last Employer or other Interested
Party" as a paper document sent through the United
States mail, an employing unit (or its authorized
agent) may apply to have such document sent to it
through electronic data transmission.

b) The Director shall approve such application if the
employing unit (or its authorized agent) agrees to:

1) At its own expense, on a daily basis, retrieve
its electronically transmitted data from the
data center of the Illinois Department of Cen-
tral Management Services, designated by the
Director;

2) Accept the date shown on the agency's records as
conclusive evidence of the date that the elec-
tronically transmitted data was sent to the data
center of the Illinois Department of Central
Management Services;

3) Demonstrate to the Director that the volume of
claims filed against it justifies the cost to
the agency of putting the employing unit on the
electronic data transmission system.

c) The Director must also find that the employing unit's
(or its authorized agent's) electronic data processing
equipment is compatible with that used by the
Director.

(Source: Added at 16 Ill. Reg. 2556, effective January 30, 1992.)

Section 2720.10 Computation of Time

a) The calendar day on which any notice, decision or
order is mailed or electronically transmitted by the
agency shall be excluded in computing time.

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b) The calendar day on which notice is due from a party
or action is required by a party shall be included in
the computation of time.

c) If the last day a document may be filed by a party is
a day on which the Agency facility is closed, the due
date is extended to the end of the next day on which
the facility is open.

d) The date on the document shall be rebuttable evidence
that it was mailed on that date; a postmark placed on
the envelope by the United States Postal Service shall
be conclusive evidence of the date of mailing; where a
"Notice of Claim to Last Employing Unit and Last Em-
ployer or other Interested Party" is electronically
transmitted to an employing unit (or its authorized
agent), the date of transmission shown on the agency's
records shall be conclusive evidence of the date of
service of the Notice.

(Source: Amended at 16 Ill. Reg. 2556, effective January 30, 1992)

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section 2720.108 Alternative "Base Period"

a) Section 237 of the Act provides a definition of the
term "base period". This Section also provides that,
where an individual does not qualify for the maximum
weekly benefit amount provided under Section 401 of
the Act because he had insufficient wages during his
base period as a result of being unemployed and where
he was awarded temporary total disability during the
period under any workers' compensation or occupational
diseases act, he shall be entitled to have his weekly
benefit amount computed using an alternative base
period, as described in this Section of the Act.

b) For the purpose of determining the applicability of
the alternative base period described in Section 237,
"awarded" temporary total disability shall not be
limited to awards made by the Illinois Industrial
Commission or similar agencies in other states but
shall include settlements and voluntary payments by
employing units or their insurers.

(Source: Added at 16 Ill. Reg. 2556, effective January 30, 1992)

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then (that part of) the employing unit's protest will not be deemed timely and will not provide party status for any week prior to the week in which it was received by the Agency. Whether or not a protest is deemed timely or an employing unit is provided party status, ineligibility is determined from the week in which the acts or circumstances occurred.

1) Example: The employing unit from which the individual was separated does not respond within 10 days of date of mailing of the Notice of Claim to Last Employer, Last Employing Unit or other Interested Party. Later, during the claim series, the employing unit offers the individual suitable work that he refuses without good cause. The employing unit then protests, alleging that the individual should be ineligible under Section 603 of the Act, refusal of suitable work. This protest shall be deemed timely beginning with the week in which the refusal of work occurred.

2) Example: During the third week of the claim series, the school district which employed the individual as a teacher during the last academic term offers him a contract to teach again in the next academic term. During the seventh week of the claims series, the school district protests that the individual should be ineligible under Section 612 of the Act. This protest shall be deemed timely as of the date that it is determined that the contract was offered to the individual.

3) Example: The individual has been receiving benefits for fourteen weeks. In the fifteenth week, his former employer hears that the individual may have been incapacitated by an injury beginning in week six of the claim series. The employer protests that the individual should be ineligible for benefits under Section 500C of the Act beginning with week six of the claim series. While the Agency will investigate this individual's eligibility for benefits beginning with week six, the employer will only be a party to the determination of eligibility beginning with the week in which the employer notifies the Agency of its allegation of possible ineligibility.

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Section 2720.130 Employing Unit Protest Of Benefit Payment

a) A protest, ("Notice Of Possible Ineligibility" {BIS-22} or a letter in lieu thereof) raises questions of eligibility, entitles an employing unit to receive an Adjudicator's Determination regarding questions of eligibility raised, and if timely and sufficient as set out below, provides party status and appeal rights of such Determination relating to the protest.

1) The employing unit shall mail or hand deliver the protest within ten calendar days after the date of notice shown on the Form "Notice of Claim to Last Employing Unit and Last Employer or Other Interested Party". The protest shall be mailed or hand delivered to the Director at the local office designated on the form received by the employing unit. If the employing unit mails or hand delivers the protest to an address other than the address designated on the form received by the employing unit, timeliness of the notice shall be measured from the date of receipt at the proper address instead of the postmark date of the hand delivery date, as the case may be.

2) The protest should include the names, addresses and telephone numbers of persons having knowledge of the facts and circumstances supporting the allegation whom the employing unit designates for the Agency to contact for further information. The protest must meet the sufficiency requirements of subsection (d).

b) Because, during a claim series, acts or circumstances may occur which could result in ineligibility, an employing unit's protest with respect to those acts or circumstances will be deemed timely (irrespective of the ten day time limit set forth in subsection (a)) and will, if also sufficient, provide party status; except, if the employing unit protests that, under Section 500C of the Act, the individual was not able to work, available for work or actively seeking work,

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c) Where an employer alleges that an individual who was initially an unemployed individual but was later not unemployed under Section 239 of the Act, because the individual returned to work for the employer and continued to claim benefits, a protest shall be considered timely if filed within 45 days of the date the Agency mails the employer a Statement of Benefit Wages (BEN-118) which includes a period in which the employer alleges that the individual claimed benefits while he was employed by the employer.

d) As long as the employing unit gives a reason or reasons for the allegation and the reason(s) is directly related to the issue raised and is not a general conclusion of law, the allegation shall be considered sufficient. A protest under this Section is sufficient only if limited to one claimant, except as otherwise provided below, and only if it:

1) Alleges on the protest that the claimant is not eligible for benefits or waiting week credit by providing material reasons or facts in support of the allegation, other than a conclusion of law, which would support the claimant being held ineligible for benefits; or,

A) EXAMPLE: SUFFICIENT - EMPLOYING UNIT'S PROTEST ALLEGES:

- i) The claimant is not able to and available for work because she is in school.
- ii) The claimant is not able to and available for work because he has no child care during working hours.
- iii) The claimant is not able to and available for work because he has removed himself to an area of substantially less favorable work opportunities.
- iv) The claimant is not able to and available for work because she is seeking part-time work.
- v) The claimant is not able to and available for work because he is in an occupation for which there is demand in the labor market area.

B) EXAMPLE: NOT SUFFICIENT - EMPLOYING UNIT'S PROTEST ALLEGES:
i) The claimant is not actively seeking work. (General conclusion of law).
ii) The claimant is not available for work. (No reason given for allegation).
iii) The claimant is not able to and available for work because he was discharged from his last job. (Reason given is not related to the issue raised).

2) Alleges that the claimant is not eligible for benefits, because, in connection with any separation or layoff, the claimant has been or will be paid vacation pay, vacation pay allowance, or pay in lieu of vacation, in which event, the employing unit must designate, on the protest, within 10 calendar days after notification of the filing of his claim, or within 10 calendar days of the date such vacation pay is paid or payable, the period to which such pay is allocated. It is not necessary that a protest be filed for each individual vacation payment. No such designation is necessary for disqualification purposes, for vacation payments made during an announced period of shutdown for the purposes of inventory, vacation, or both; or

3) Alleges that the claimant is not eligible for benefits because he is unemployed due to his involvement in a labor dispute; and the employing unit, within 5 days of the start of the period of the work stoppage due to a labor dispute, provides the Agency with the name and Social Security number of each worker involved in the dispute. The list shall be filed with the Agency's Labor Dispute section. Upon receipt of the list, the Agency will mail a Labor Dispute Questionnaire to the employing unit and the union or representative of the employees involved in the labor dispute. The employing unit, union, and/or employee representative must respond to the questionnaire within 10 days. If the questionnaire is not received within 10 days, the Agency will issue a decision based on the information contained in the record at that time. The filing of the above list will constitute an allegation of possible ineligibility under the labor dispute provision

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b) Requests to appear by telephone must be made as soon as possible after the Notice of Hearing is received, or immediately after the circumstances giving good cause for the appearance by telephone arises.

c) ~~No request for change of hearing format, as provided in subsection (a), shall be made later than the second business day prior to the scheduled hearing.~~ In ruling on such a request for a change in the format of the hearing, the Referee shall state the reason(s) for the grant or denial of such format change on the record.

ed) A claimant or employment participating in a telephone hearing must submit to the Referee and any opponent any documents it intends to introduce at the hearing in time to ensure receipt of the documents before the date of the scheduled hearing. Such submissions shall also include a certificate of mailing which identifies the individual sending the documents, the nature of the documents, the time and place of mailing, and the address to which the documents were sent. All documents submitted to the Referee will be identified on the record. Unless waived on the record, if the referee finds that any document introduced or referenced in the course of the hearing was not received, the referee shall reschedule the hearing until such document is received or proceed with the hearing with or without the admission of such document. If the referee proceeds with the scheduled hearing, the reasons for admitting or not admitting such document shall be stated on the record.

e) This Section shall not apply to appeals of decisions relating to the amount of wages found in a claimant's base period; those cases will be governed by the provisions of Section 2725.200.

(Source: Amended at 16 Ill. Reg. 2556, effective January 30, 1992.)

Section 2720.240 Continuances

The Referee to whom the appeal was assigned, or his supervisor if the Referee is not available, shall grant a continuance whether requested in person, by telephone or in writing for good cause shown. In that event the hearing will be ~~rescheduled~~ to set for the earliest mutually agreeable time and date. The Agency will

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(Section 604 of the Act) only and shall not be construed as an allegation of possible ineligibility under any other provision of the Act.

e) In instances when the Agency decides that the protest has not met the sufficiency requirements of subsection (d)(1), the Agency shall immediately return the protest with a description of the needed information. If the protest with all required information is refiled within 10 days of the date the Agency mailed it back to the employing unit, the protest shall be considered filed on the date the Agency originally received it. In no event shall the Agency return an inadequate protest more than once. In the event that a protest does not meet the sufficiency requirements of subsection (d)(1) after being returned to the employing unit once, the Adjudicator shall determine the protest to be insufficient. A Decision that a protest is insufficient may be appealed pursuant to Section 2720.200.

(Source: Amended at 16 Ill. Reg. 2556, effective January 30, 1992.)

SUBPART C: APPEALS TO REFEREE

Section 2720.215 Format Of Hearings

a) Hearings shall be conducted in-person unless: the claimant and employer in the disputed claim agree to a telephone hearing; or, the claimant or employer is located outside of the State at the time that the Notice of Hearing is sent; or, a witness or party requests for good cause to appear by telephone and the Referee finds that an in-person appearance is not required to determine the credibility of the evidence to be presented by the witness or party.

1) Such in-person hearing shall be conducted at the nearest location where Referee hearings are regularly scheduled.

2) The Agency shall situate Referees throughout the State in a manner designed to maximize efficiency while providing the greatest possible convenience.

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inform the parties of the date, time and place of the rescheduled continued hearing either orally or in writing.

Example: A continuance is requested because a party's attorney has a conflict in his schedule because he has an appointment with a client or a court appearance scheduled for the same time as the hearing before the Referee. Unless the appointment or court appearance is an emergency matter for which the attorney had less than 24 hours notice, such a conflict will not constitute good cause for a continuance. Absent emergency circumstances, it will be incumbent on the attorney to reschedule his other appointment or court appearance or obtain substitute counsel to appear in his stead.

(Source: Amended at 16 Ill. Reg. 2556, effective January 30, 1992.)

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section 2720.315 Submission of Request-For-Written Argument Or Request to Submit Additional Evidence

a)

Except as provided for in (1) below, the Board of Review will consider written argument-if, upon filing, an appeal-to-the-Board-submitted to the Board within 30 days after the appeal has been filed, or, if the written argument is submitted by requesting-party-is the appellee, within 20 days after the date of mailing of the Notice of Appeal-the-party-informs the-Board-and-the-opposing-party-in-writing-of-its intent-to-file-written-argument. The Board of Review shall make the entire file of the proceedings in question available to the parties to prepare such written argument as they wish to file.

- 1) The-requesting-party's-written-argument-shall be-filed-within-20-days-of-the-date-an-appeal-is filed-to-the-Board, or-if-the-requesting-party is-the-appellee-within-20-days-from-the-date-of mailing-of-the-Notice-of-Appeal. In the event that a transcript is sought by the appellant, the request for a transcript must be made within 30 days after the appeal is filed or, if the request is made by the appellee, within 20 days after of the mailing of the Notice of Appeal. In-the-event-a-transcript-is-sought, such request-for-Any written argument shall be filed

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with the Board no later than 20 days after the date of notification that such transcript is available for inspection. The submitting-requesting party shall certify that it served a copy of the written argument on the opposing party.

- 2) If the opposing party wishes to file a response, it must must file with the Board and serve on the submitting-requesting party any response within 15 days after the submitting-requesting party's written arguments were mailed to the opposing party.

- 3) If the submitting-requesting party wishes to file a reply, it must file with the Board and serve on the opposing party any reply within 7 days after the opposing party's response was mailed to the submitting-requesting party.

b)

The Board of Review will consider requests to submit additional evidence if such requests are submitted by the appellant within 20 days of after the date an appeal is filed or by the appellee within 20 days after the date of mailing of the Notice of Appeal. In the event a transcript is sought, such request to submit additional evidence shall be filed no later than 20 days after the date of notification that such transcript is available for inspection. The requesting party shall certify that it served a copy of its request on the opposing party.

- 1) A request to submit additional evidence must include:
 - A) A summary of the evidence to be introduced; and
 - B) An explanation showing that the requesting party, for reasons not its fault and outside its control, was unable to introduce the evidence at the hearing before the Referee.
- 2) If the party who filed a request to submit additional evidence, or its witness, failed to appear at the scheduled hearing, the party must show that either it did not receive timely

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notice of the hearing, that its failure to appear at the hearing was due to circumstances beyond its control or that it requested a continuance before the conclusion of the hearing, which was denied.

- 3) The opposing party may file with the Board and serve on the requesting party any written response within 15 days after the request to submit additional evidence was mailed to the opposing party.
- 4) The requesting party may file with the Board and serve on the opposing party any written reply within 7 days after the opposing party's response was mailed to the requesting party.
- 5) The Board of Review shall grant or deny the requests in writing with the a finding of facts and reasons for the grant or denial. In the event a request to submit additional evidence is granted, the Order granting the request shall specify the time, place and manner in which the evidence is to be submitted.
- c) At the request of the party and for good cause shown, the Board will grant a reasonable extension of time within which to submit~~filed~~ written argument or request to submit additional evidence. No extension shall be less than 7 days nor more than 30 days.
- d) All notices, written arguments, requests to submit additional evidence, responses and replies must contain the Board of Review Docket number assigned to the matter, as set forth in the Notice of Appeal (see Section 2720.25).

(Source: Amended at 16 Ill. Reg. 2556, effective January 30, 1992.)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240

<u>Section Numbers</u>	<u>Adopted Action</u>
240.995	Repealed
240.1400	Repealed, New Section
240.1405	Repealed
240.1410	Repealed, New Section
240.1420	Repealed, New Section
240.1430	Repealed, New Section
240.1440	Repealed, New Section
240.1450	Repealed, New Section
240.1460	Repealed, New Section
240.1470	Repealed
240.1500	Repealed, New Section
240.1510	New Section
240.1520	New Section
240.1530	New Section

- 4) Statutory Authority: Implemented and authorized by Section 6 of The Illinois Oil and Gas Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5409)
- 5) Effective Date of Amendments: February 3, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 28, 1992
- 9) Notice of Proposed Amendments Published in Illinois Register: 15 Ill. Reg. 41 (14365 and 14679) - October 11, 1991
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

In Section 240.1500(a)(3) "\$25,000 for up to 25 wells of a permittee;" was added and "3" and "4" have been changed to "4" and "5".

In Section 240.1520(d)(3), "certified checks or cashier's checks" was added after "accounts"; and (d)(3)(A), "by submitting a certified check or a cashier's check, or" was added after bond in the second line.

In Section 240.1530(d) and (e) have been deleted and a new (d) has been added to read as follows:

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"d) In the event forfeiture of the bond is warranted by subsection (a), the Department shall afford the permittee the right to a hearing, if such hearing is requested in writing by the permittee within fifteen (15) days after the bond forfeiture notification is mailed in accordance with subsection (b). If the permittee does not request a hearing within the fifteen (15) day period, the Department shall issue a final administrative decision ordering forfeiture. If a hearing is requested by the permittee, the hearing shall be held within fifteen (15) days of the receipt of the request for hearing, and shall be conducted by an impartial hearing officer not employed by the Department."

In Section 240.1530, (f) and been changed to "(e)" and (g) has been changed to "(f)".

12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? Yes

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rule(s):

The Department proposed rules on transfers of ownership (Subpart N) and bond requirements (Subpart O) as a result of Public Act 87-744, effective September 26, 1991. These proposed rules, when adopted, will replace emergency rules filed and effective September 30, 1991.

Subpart N implements new provisions of the Illinois Oil and Gas Act pertaining to transfers of ownership. The proposed amendments set forth procedures for notifying the Department and the responsibilities of each of the parties to the transfer.

Subpart O sets forth the requirements for all bonds required to be filed with the Department under the Act. The proposed amendments specify the form, content and amount of surety bonds. The proposed amendments also set forth the conditions under which the Department will accept letters of credit, certificates of deposit and other security in lieu of surety bonds. Finally, the proposed amendments set forth procedures for the forfeiture of bonds.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: John C. Lynch
General Counsel

Address: 300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on the next page:

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240

THE ILLINOIS OIL AND GAS
ACT

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240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
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240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.160	Director's Decision
240.170	Cessation Order
240.180	Enforcement Hearings
240.190	Temporary Relief
240.195	Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

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240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.250	Issuance of Permit
240.255	Underground Injection and Disposal Projects (Recodified)
240.260	Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280	Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

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240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
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SUBPART D: SPACING OF WELLS

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240.420	Well Location Exceptions within Drilling Unit
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
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SUBPART E: DRILLING AND CASING PROCEDURES

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240.510	Rotary Drilling Procedure (Repealed)
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SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING
REQUIREMENTS FOR PRODUCTION WELLS
OPERATING REQUIREMENTS

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240.600	Applicability
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240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
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SUBPART G: WELL CONSTRUCTION, OPERATING
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SUBPART J: VACUUM

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240.700 Applicability
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240.870 Mining Board Supervision
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Casing Puller's Bond (Recodified)

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- 240.1370 Inspection of Vehicles (Recodified)
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SUBPART N: TRANSFER OF OWNERSHIP AND-BONDING

- Section 240.1400 Application-for--Permit--for--Geological--or--Structural--West--Note
(Recodified) Definitions
- 240.1405 Transfer of Management (Repealed)
- 240.1410 When-Bond-Required-Amount Applicability
- 240.1420 Kind-of-Bond-Execution When Notification to be Made
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- 240.1450 Surety-May-Cancel-Bond Authority of Persons Signing Notification
- 240.1460 Mining-Board-May-Cancel--Bond Other Conditions for and Effect of Transfer
- 240.1470 Casing Puller's Bond (Repealed)

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- Section 240.1500 Severability When Required and Amount
- 240.1510 Definitions
- 240.1520 Bond Requirements
- 240.1530 Forfeiture of Bonds

AUTHORITY: Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5413).

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992.

SUBPART I: OIL FIELD BRINE HAULING

Section 240.995 Bonds--Blanket Surety Bond (Repealed)

as--provided--in--the--Act--the--application--for--an--oil--field--brine

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hauler's permit shall be accompanied by a surety bond covering the period of the permit and any renewal thereof for which the permit is issued by a surety company registered in the State to indemnify the State for the elimination of harmful or nuisance conditions and for the abatement of any improper disposal of oil field brine by the permittee. The bonds shall be in the amount of \$10,000.

- b) Bond-Form-Approval All bonds shall be given on a form to be prescribed by the Mining Board and shall be subject to its approval.
- c) Surety-May-Cancel-Bond On thirty (30) days written notice given to the Mining Board, any surety may cancel a bond or remove himself as surety, and in the event of such, the surety shall not be responsible under the terms of the bond beyond the thirty (30) day period after notice is given to the Mining Board, but shall continue to be liable for all liabilities accruing under the bond during the period of time he, they or it was a surety.
- d) Mining-Board-May-Cancel-Bond A bond given in accordance with the provisions of this rule, may, upon not less than thirty (30) days written notice to the Mining Board, be cancelled by the Mining Board, upon satisfactory proof being furnished to the Mining Board by the principal or surety that all conditions and provisions of said bond have been fully complied with in the event of a default by the principal in any of the conditions of the bond, the surety on such bond shall be responsible for the immediate and full compliance with the conditions of said bond.

(Source: Repealed at 16 Ill. Reg. 2576, effective February 3, 1992)

SUBPART N: TRANSFER OF OWNERSHIP AND-BONDING

Section 240.1400 Application-for-Permit-for-Geological-or-Structural-West-Note (Recodified) Definitions

As used in this Subpart:

- a) "Current Permittee" means the individual or entity required to hold the permit or to whom the permit has been issued who is the assignor, transferor or seller of the well or wells.
- b) "New Permittee" means the individual or entity acquiring the well or wells and who is required, after the transfer, to hold the permit.

(Source: Section recodified to 240.1200, new Section adopted at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1405 Transfer of Management (Repealed)

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The Mining Board shall be notified within ten (10) days after the transfer of each change of management of a producing oil and gas leasehold to create or fee production:

(Source: Repealed at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1410 When Bonds Required--Amount Applicability

As provided by the aforementioned Act, the Mining Board shall require every person previous to the commencement of drilling for oil, gas or any other purpose in connection therewith, and every person who has created or acquired any well drilled for these purposes which has not been plugged and abandoned in accordance with the Laws, Rules, Regulations or Orders of the Mining Board, to execute and file with the Mining Board a bond of two thousand five hundred dollars (\$2,500) for each of such wells or in lieu thereof a blanket bond in the sum of twenty-five thousand dollars (\$25,000) for all wells to provide for the compliance with the provisions of the aforementioned Act and all amendments thereof and to the Rules, Regulations and Orders of the Mining Board issued under the provisions of said Act and all amendments thereto:

a) The provisions of this Subpart apply to all assignments, transfers and sales of the interest of the individual or entity required to hold and to whom the permit is issued, including:

- 1) a change of ownership through assignment, sale, gift, devise or other transfer;
- 2) a change in the designation of the operator or manager under an operating or other similar agreement, or pursuant to the action of the owners in interest; and
- 3) the appointment, by a court of competent jurisdiction, of a trustee or a receiver to exercise custody and control over the well or wells.

b) The provisions of this Subpart shall not apply to the assignment, transfer or sale of royalty, overriding royalty or fractional working interests not affecting the rights or responsibilities of the permittee.

(Source: Section repealed, new section adopted at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1420 Kind of Bond--Execution When Notification to be Made

- a) Surety or Cash Bond
 - 1) When surety bonds are given they shall be executed by a responsible surety company authorized to do business in the State of Illinois;
 - 2) Cash bonds on Departmental form are acceptable when accompanied by certified check payable to the State of Illinois;
- b) Personal Bond
 - 1) If any other type of bond is given, the principal and the surety shall

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be a bona fide residents of Illinois. The Mining Board is authorized to scrutinize and investigate each bond before it shall be approved or rejected, and the Mining Board shall have thirty (30) days to pass on the sufficiency of any such bond.

- c) Execution of Bond
 - 1) The Mining Board shall not approve any bond until it is personally signed and acknowledged by both the principal and surety or for them by an attorney in fact with a certified copy of the power of attorney attached thereto.

Notification of the assignment, transfer or sale of any well required to be permitted under the Act shall be made within 30 days after the effective date of the assignment, transfer or sale.

(Source: Section repealed, new section adopted at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1430 Bond of Manager Responsibilities of Current Permittee

The person, firm or corporation in whose name the permit is issued shall be named as principal on the bond and shall execute same for such well together with a written statement to the Mining Board that he is the manager and will be responsible for any and all violations of the aforementioned Act or any Rule or Order of the Mining Board adopted or promulgated pursuant thereto; that may occur in the drilling, operation or plugging of the well. Where the holder of a fractional working interest in the leasehold is designated as manager, he may furnish a bond. The current permittee shall notify the Department of the assignment, transfer or sale, on a form prescribed by the Department. A separate form shall be completed for each lease or other unit assigned, transferred or sold. The notification shall be signed, under penalty of perjury, by the current permittee and by the new permittee, or their authorized representatives, and shall include:

- a) the names and addresses of the current permittee and the new permittee;
- b) the effective date of assignment, transfer or sale;
- c) copies of the lease assignment or other documents evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well or wells on the lands in question;
- d) the name, location, and permit number of each well for which a permit has been issued; and
- e) the location of any wells known to the current permittee for which no permit has previously been issued.

(Source: Section repealed, new section adopted at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1440 Bond Form--Approval Responsibilities of New Permittee

All bonds shall be given on a form to be prescribed by the Mining Board and shall be subject to its approval. The Mining Board may at any time request a

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new bond or additional sureties when it has reason to believe the present bond is inadequate.

The new permittee shall:

- a) pay the required transfer fee;
- b) provide the required bond, if applicable, in accordance with Subpart 01;
- c) if the new permittee is a corporation, provide evidence that the corporation is incorporated or authorized to do business in the State of Illinois, and authorized under its charter to engage in the permitted activity; and
- d) if the new permittee is an individual, partnership, or other unincorporated entity that is not a resident of Illinois, provide an irrevocable consent to be sued in Illinois.

(Source: Section repealed, new section adopted at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1450 Surety May Cancel Bond Authority of Persons Signing Notification

- a) On thirty (30) days written notice given to the Mining Board, any surety may cancel a bond or remove himself as surety, and in event of such, the surety shall not be responsible under the terms of the bond beyond the thirty (30) day period after notice is given to the Mining Board, but shall continue to be liable for all the liabilities accruing under the bond during the period of the time he, they, or it was the surety thereon.
- b) Requirements Before Bond May Be Cancelled
The provisions of the laws of the State of Illinois require the plugging of the well or wells, the filling of all excavations, the removal of all concrete bases, discarded machinery and material, and restoring the surface as nearly as possible to its former condition before such well or wells was drilled, and such bond shall be renewed and be continued in effect until the aforesaid conditions have been fully complied with.
- a) The notification shall be signed by the current permittee and the new permittee, or by individuals authorized to sign for them.
- b) If the current permittee or new permittee is an individual, the notification shall be signed by the individual. If the current permittee or new permittee is a partnership, the notification shall be signed by a general partner. If the current permittee or new permittee is a corporation, the notification shall be signed by an officer of the corporation.
- c) In lieu of the signatures of the current and new permittees or such authorized persons, the notification may be signed by a person having a power of attorney to sign for a permittee or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the notification.

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(Source: Section repealed, new section adopted at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1460 Mining Board May Cancel Bond Other Conditions for and Effect of Transfer

A bond given in accordance with the provisions of this rule may, upon not less than thirty (30) days written notice to the Mining Board, be cancelled by the Mining Board, upon satisfactory proof being furnished to the Mining Board, by the principal or surety that all conditions and provisions of said bond have been fully complied with, in the event of a default by the principal in any of the conditions of the bond, the surety or sureties on such bond shall be responsible for the immediate and full compliance with the conditions of said bond.

- a) No permit shall be transferred to a new permittee:
 - 1) who is delinquent in the payment of fees assessed under Section 19.7 of the Act;
 - 2) on account of whom any amounts have been obligated from the Plugging and Restoration Fund that have not been reimbursed; or
 - 3) against whom the Department has issued a final administrative decision that has not been abated or satisfied.
- b) When the requirements of this Subpart have been satisfied, and subject to subsection (d) below, the Department shall transfer the permit to the new permittee who shall become responsible for all regulatory requirements relative to the well.
- c) If any well, or any lease or other unit associated with the well, is in violation of the Act or rules at the time of the transfer to the new permittee, the transfer shall be conditioned upon the abatement of the violation within the time specified by the Department.
- d) The transfer of a permit pursuant to this Subpart shall not affect the rights of the Department, or any obligation or duty of the current permittee arising under the Act and rules. Any cause of action accruing or any action or proceeding had or commenced, whether administrative, civil or criminal, may be instituted or continued without regard to the transfer of the permit in accordance with this Subpart.

(Source: Section repealed, new section adopted at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1470 Casing Puller's Bond (Repealed)

Any person engaged in pulling casing from abandoned oil or gas wells and wells used in connection therewith who purchases such wells for the purpose of salvaging material from the same, shall file a bond with the Mining Board in the sum of two thousand five hundred dollars (\$2,500) for an individual well or in the sum of five thousand dollars (\$5,000) for an individual well or in the sum of twenty-five thousand dollars (\$25,000) for a blanket bond in the sum of twenty-five thousand dollars to guarantee the ultimate plugging of these wells conformable with the Rules and Orders of the Mining Board, including the

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b) Surety bond means an indemnity agreement in a sum certain payable to the Department, executed by the permittee as principal and which is supported by the guarantee of a corporation authorized to transact business as a surety in Illinois. Surety bond does not include surplus line insurance procured by a surplus line producer.

c) Other security means an indemnity agreement in a sum certain executed by the permittee as principal which is supported by the deposit with the Department of one or more of the following:

- 1) A cash account, which shall be the deposit of cash in one or more federally-insured or equivalently protected accounts, payable only to the Department upon demand;
- 2) Negotiable government securities, endorsed to the order of, and placed in the possession of, the Department;
- 3) An irrevocable letter of credit of any bank organized or authorized to transact business in Illinois, payable only to the Department upon presentation;
- 4) Certificates of deposit, drawn on a federally insured bank, made payable or assigned to the Department and placed in its possession.

(Source: Added at 16 Ill. Reg. 2576, effective February 3, 1992.)

Section 240.1520 Bond Requirements

a) Form

Bonds shall be in such form and content as the Department prescribes, payable to the "Illinois Department of Mines and Minerals."

b) Conditions Generally

- 1) Each bond shall conform with the requirements of the Act and this Part and with the declared purpose for which the bond is required.
- 2) Bonds shall remain in effect until the obligations for which it is given have been satisfied and the bond has been released by the Department, pursuant to the Act and this Subpart.

c) Surety Bond Requirements

- 1) Bonds shall be signed by the permittee as principal, and by a good and sufficient corporate surety, authorized to transact business as a surety in Illinois.
- 2) Each surety bond shall provide that the bond shall not be cancelled by the surety except after not less than ninety (90) days' notice to the Department. Such notice shall be served upon the Department in writing by registered or certified mail to the following address:

Illinois Department of Mines and Minerals
Oil and Gas Division
300 West Jefferson, Suite 300
P.O. Box 10140
Springfield, Illinois 62791-0140

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restoration-of-the-ground-conditions-such-as-fitting-the-pits-leveling-the-well-site-and-cutting-off-surface-pipe-below-pow-depht-if-the-ground conditions-have-not-previously-been-rectified-by-the-prior-owner-of-such-well or-wells:

(Source: Repealed at 16 Ill. Reg. 2576, effective February 3, 1992.)

SUBPART O: VARIOUS OTHER RULES

Section 240.1500 Severability When Required and Amount

a) in case any word, phrase, sentence or other portion of these Rules shall hereafter be declared invalid, such invalidity shall not affect the remaining portions and parts of the Rules adopted or promulgated by the Department;

b) All former Rules heretofore adopted by the Department are replaced and superseded by these Rules upon their adoption by the Mining Board:

a) To Drill, Deepen, Convert or Operate an Oil or Gas Well
When a bond is required to be filed with the Department to drill, deepen, convert or operate an oil or gas well, the amount of the bond shall be:

- 1) \$1,500 for a well less than 2000 feet deep;
- 2) \$3,000 for a well 2,000 or more feet deep;
- 3) \$25,000 for up to 25 wells of a permittee;
- 4) \$50,000 for up to 50 wells of a permittee; or
- 5) \$100,000 for all wells of a permittee.

b) To Operate a Liquid Oil Field Waste Transportation System

The amount of bond required to be filed with the Department before a permit is issued authorizing a person to operate a liquid oil field waste system shall be \$10,000.

c) To Drill a Test Hole

The amount of bond required to be filed with the Department before a permit is issued to drill a geological structure, coal or other mineral test hole, or a monitoring well in connection with any activity regulated by the Department shall be \$2500 for each hole or a blanket bond of \$25,000 for all holes. The bond requirements of this Subpart shall not apply to a hole or well drilled on acreage permitted and bonded under the Surface-Mined Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 4501 et seq.) or the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.01 et seq.).

(Source: Section repealed, new section adopted at 16 Ill. Reg. 2576, effective February 3, 1992.)

Section 240.1510 Definitions

a) Bond means surety bond or other security in lieu thereof.

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made payable to or assigned to the Department both in writing and upon the records of the bank issuing the certificates. If assigned, the Department shall require the banks issuing these certificates to waive all rights of setoff or liens against those certificates.

The Department shall not accept an individual certificate of deposit in an amount in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Any interest accruing on a certificate of deposit shall be for the benefit of the permittee except that accrued interest shall first be applied to any prepayment penalty when a certificate of deposit is forfeited by the Department.

3) Cash accounts, certified checks, or cashier's checks shall be subject to the following conditions:

A) The Department may authorize the permittee to supplement the bond by submitting a certified check or a cashier's check, or through the establishment of a cash account in one or more federally-insured or equivalently protected accounts made payable upon demand to the Department.

B) Any interest paid on a cash account shall be returned to the permittee.

C) The Department shall not accept an individual cash account in an amount in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(Source: Added at 16 Ill. Reg. 2576, effective February 3, 1992)

Section 240.1530 Forfeiture of Bonds

- a) A permittee's failure to comply with the Department's order to plug, replug or repair a well, or to restore a well site, within thirty (30) days of the issuance of such order constitutes grounds for bond forfeiture, pursuant to Sections 6 and 19.1 of the Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5426).
- b) The Department shall send written notification by certified mail, return receipt requested, to the permittee and the surety on the bond, if any, informing them of the determination to forfeit the bond pursuant to subsection (a) above.
- c) The Department may allow a surety to undertake necessary plugging, replugging, repair or site restoration work if the surety can demonstrate an ability to complete such work in accordance with the requirements of the Act. No surety liability shall be released until the successful completion of all plugging, replugging, repair or site restoration ordered by the Department.

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- 3) Prior to the expiration of the ninety (90) days notice of cancellation, the permittee shall deliver to the Department a replacement bond. If such bond is not delivered, all activities covered by the permit and bond shall cease at the expiration of the ninety (90) day period.
- 4) If the license to transact business in Illinois of any surety upon a bond filed with the Department shall be suspended or revoked, the permittee, within thirty (30) days after receiving notice thereof from the Department, shall make substitution by providing a surety bond or other security as required by this Subpart. Upon the failure of the permittee to make the substitution of bond, all activities covered by the permit and bond shall cease until substitution has been made.

d) Other Securities Requirements

- 1) Letters of credit shall be subject to the following conditions:

- A) The letter may only be issued by a bank organized or authorized to do business in the United States ("issuing bank"). If the issuing bank does not have an office for collection in Illinois, there shall be a confirming bank designated that is authorized to accept, negotiate and pay the letter upon presentation in Illinois.
 - B) Letters of credit shall be irrevocable during their terms.
 - C) A letter of credit shall be forfeited and shall be collected by the Department if not replaced by other suitable bond or letter of credit at least thirty (30) days before its expiration date.
 - D) The letter of credit shall be payable to the Department upon demand, in part or in full, upon receipt from the Department of a notice of forfeiture issued in accordance with Section 240.1530.
 - E) The Department shall not accept a letter of credit in excess of ten percent (10%) of the issuing bank's total capital and surplus accounts, as certified by the President of the bank providing the letter of credit and as evidenced by the most recent quarterly Call Report provided to the Federal Deposit Insurance Corporation.
 - F) The letter of credit shall provide on its face that the Department, its lawful assigns, or the attorneys for the Department or its assigns, may sue, waive notice and process, appear on behalf of, and confess judgment against the issuing bank (and any confirming bank) in the event that the letter of credit is dishonored. The letter of credit shall be deemed to be made in Sangamon County, Illinois, for the purpose of enforcement and any actions thereon shall be enforceable in the Courts of Illinois, and shall be construed under Illinois law.
- 2) Certificates of deposit shall be subject to the following conditions:
 - A) The Department shall require that certificates of deposit be

DEPARTMENT OF MINES AND MINERALS

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- d) In the event forfeiture of the bond is warranted by subsection (a), the Department shall afford the permittee the right to a hearing. If such hearing is requested in writing by the permittee within fifteen (15) days after the bond forfeiture notification is mailed in accordance with subsection (b). If the permittee does not request a hearing within the fifteen (15) day period, the Department shall issue a final administrative decision ordering forfeiture. If a hearing is requested by the permittee, the hearing shall be held within fifteen (15) days of the receipt of the request for hearing, and shall be conducted by an impartial hearing officer not employed by the Department.
- e) At the bond forfeiture hearing, the Department shall present evidence in support of its determination under subsection (a). The permittee shall present evidence contesting the Department's determination under subsection (a). The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.
- f) Within thirty (30) days after the close of the record for the bond forfeiture hearing, the hearing officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

(Source: Added at 16 Ill. Reg. 2576, effective February 3, 1992)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: GENERAL PROVISIONS
- 2) Code Citation: 35 Ill. Adm. Code 1420
- 3) Section Numbers: Adopted Action:
1420.101 New Section
1420.102 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 1114, pars. 1056.2(e), as added by P.A. 87-752, effective January 1, 1992, and 1027.
- 5) Effective Date of Rules: February 3, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these rules contain incorporations by reference?
- 8) Date filed in Board's Principal Office: Order adopted January 23, 1992.
- 9) Notice of Proposal Published in Illinois Register:
December 2, 1991, 15 Ill. Reg. 17016
- 10) Has JCAR issued a Statement of Objections to these rules? No.
New Sections 56.2(e) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 1114, par. 1056.2(e)), as added by P.A. 87-752, effective January 1, 1992) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:
The Administrative Code Division suggested two Code format corrections to the text of the proposed rules. The Board adopts the text of the proposed rules with the suggested corrections. The Board uses the word "Section" in the section headings, and we change the reference to the Environmental Protection Act to "ch. 1114."
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
New Sections 56.2(e) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 1114, par. 1056.2(e)), as added by P.A. 87-752, effective January 1, 1992) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will these rules replace an emergency rule currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and Purpose of rules:
A complete description is contained in the Board's Opinion of January

4 etiologic agent," as directed by the legislative mandate. In addition to this core definition, The Board adopts as rules the series of three related definitions: "potentially infectious medical waste," "highly infectious disease," and "isolation waste," as set forth in the statute. These three adopted definitions track the statutory language to the maximum extent possible.

23, 1992 in 89L-19, which Opinion is available from the address below. A fuller explanation also appears in the December 2, 1991 Illinois Register, at 15 Ill. Reg. 17016.

16) Information and questions regarding this adopted rules shall be directed to:

New Sections 56.2(e) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1056.2(e)), as added by P.A. 87-752, effective January 1, 1992) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

In summary, Public Act 87-752 imposes four mandates on the Board, each of which includes a deadline for Board action. The mandate germane to this proceeding requires the Board to adopt rules identical in substance to the etiologic agents in Class 4 in a 1974 federal Centers for Disease Control, Office of Biosafety listing: Classification of Etiologic Agents on the Basis of Hazard (4th edition, July 1974). Section 56.2(e). This mandate was effective January 1, 1992, and the due date for this proceeding was that date.

The full text of the adopted rules begins on the next page:

The ultimate effect of fulfilling this mandate is to add definition to one segment of the broader universe of PIMWs. Section 3.81(a) of this legislation (to be codified as Ill. Rev. Stat. 1989 ch. 111 1/2, par. 1003.81(a)) defines "potentially infectious medical waste". Subsection 3.81(b)(6) includes "isolation waste" as part of the definition, as follows:

Isolation waste. This waste shall include but not be limited to discarded waste materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases. "Highly communicable diseases" means those diseases identified by the Board in rules adopted under subsection (e) of Section 56.2 of this Act.

The 1974 document referred to by P.A. 87-752 defines five classes of etiologic agents. Class 4 includes those pathogenic agents that are extremely hazardous to laboratory personnel or that may cause serious epidemic disease. The listing for Class 4 agents includes a very small number of viral agents.

One aspect of the legislative mandate is that the Board base its identical-in-substance rules on any subsequent updates of the 1974 CDC document. In 1986, the Department of Health and Human Services published "Guidelines for Research Involving Recombinant DNA Molecules." This set of guidelines applied to all institutions engaged in recombinant DNA research that received funding from the National Institutes of Health. It used the Class 1 through Class 5 system established by the 1974 CDC document and revised the list for the purposes of the Guidelines. Class 4 no longer included Alastrim, Smallpox, and Whitepox. These are all prohibited from study in the United States except at specified facilities, and a note indicated that all activities relating to variola (smallpox) and whitepox were restricted to a single facility. The Board bases the list of Class 4 agents on the 1974 document with the addition of the four tick-borne encephalitis viruses added in 1988.

The heart of this rulemaking is the adoption of the definition of "class

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE M: BIOLOGICAL MATERIALS
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER B: POTENTIALLY INFECTIOUS MEDICAL WASTES

PART 1420
 GENERAL PROVISIONS

Section
 1420.101
 1420.102

Scope and Applicability
 Definitions

AUTHORITY: Implementing and authorized by Section 56.2(e) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1056.2(e), as added by P.A. 87-752, effective January 1, 1992).

SOURCE: Adopted in R91-19, at 16 Ill. Reg. 2594, effective February 3, 1992

Note: Capitalization denotes statutory language.

Section 1420.101 Scope and Applicability

a) This Subtitle applies to all persons who generate, transport, treat, store, or dispose of potentially infectious medical waste. It sets forth standards for such activities occurring in whole or in part within the State of Illinois.

b) This Part sets forth definitions that apply throughout this Subtitle except as specifically provided otherwise.

BOARD NOTE: Section 56.2(d) requires the Board to repeal pre-existing rules for handling medical wastes by January 1, 1992. Section 56.2(e) requires the Board to adopt by January 1, 1992 a list of Class 4 etiologic agents, which lends operative meaning to "isolation waste," as that term is used in the statutory definition of potentially infectious medical waste at Section 3.81. Section 56.2(a) and (c) require the Board to adopt standards for the transportation, packaging, segregation, labelling, and marking of potentially infectious medical waste by January 1, 1993. Section 56.2(f) authorizes additional rules to promote the purposes of Title XV of the Environmental Protection Act (Ill. Rev. Stat. 1989 ch. 111½, par. 1001 et seq., as amended by P.A. 87-752, effective January 1, 1992).

Section 1420.102 Definitions

All definitions set forth in this Section shall have the following meanings throughout this Subtitle, unless specifically provided otherwise:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989 ch. 111½, par. 1001 et seq., as amended by P.A. 87-752, effective January 1, 1992).

"Class 4 etiologic agent" means a pathogenic agent that is

POLLUTION CONTROL BOARD

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extremely hazardous to laboratory personnel or that may cause serious epidemic disease. Class 4 etiologic agent includes the following viral agents:

Alastrim, Smallpox, Monkey pox, and Whitepox (when used for transmission or animal inoculation experiments)
 Hemorrhagic fever agents (including Crimean hemorrhagic fever (Congo), Junin, and Machupo viruses, and others not yet defined)
 Herpesvirus simiae (Monkey B virus)
 Lassa virus

Marburg virus
 Tick-borne encephalitis virus complex (including Absettarov, Hanzalova, HYPR, Kumlunge, Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever, and Central European encephalitis viruses)
 Venezuelan equine encephalitis virus (epidemic strains, when used for transmission or animal inoculation experiments)
 Yellow fever virus (wild, when used for transmission or animal inoculation experiments)

BOARD NOTE: A Class 4 Agent helps define an "isolation waste" for the purposes of Section 3.81(a)(6) of the Act and this Subtitle. This listing derives from the CDC document, "Classification of Etiologic Agents on the Basis of Hazard," and is supplemented from the CDC/NIH document "Biosafety in Microbiological and Biomedical Laboratories."

"HIGHLY COMMUNICABLE DISEASE" MEANS THOSE DISEASES IDENTIFIED AS CLASS 4 ETIOLOGIC AGENTS. (Section 3.81(a)(6) of the Act)

"ISOLATION WASTE" MEANS DISCARDED WASTE MATERIALS CONTAMINATED WITH BLOOD, EXCRETIONS, EXUDATES, AND SECRETIONS FROM HUMANS THAT ARE ISOLATED TO PROTECT OTHERS FROM HIGHLY COMMUNICABLE DISEASES. (Section 3.81(a)(6) of the Act)

"POTENTIALLY INFECTIOUS MEDICAL WASTE" OR "PIMW" MEANS THE FOLLOWING TYPES OF WASTE GENERATED IN CONNECTION WITH THE DIAGNOSIS, TREATMENT (I.E., PROVISION OF MEDICAL SERVICES), OR IMMUNIZATION OF HUMAN BEINGS OR ANIMALS; RESEARCH PERTAINING TO THE PROVISION OF MEDICAL SERVICES; OR THE PROVISION OR TESTING OF BIOLOGICALS:

CULTURES AND STOCKS;

HUMAN PATHOLOGICAL WASTES;

HUMAN BLOOD AND BLOOD PRODUCTS;

USED SHARPS;

ANIMAL WASTE;

ISOLATION WASTE; AND

UNUSED SHARPS.

POTENTIALLY INFECTIOUS MEDICAL WASTE DOES NOT INCLUDE THE FOLLOWING:

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WASTE GENERATED AS GENERAL HOUSEHOLD WASTE;
WASTE (EXCEPT FOR SHARPS) FOR WHICH THE INFECTIOUS
POTENTIAL HAS BEEN ELIMINATED BY TREATMENT; OR
SHARPS THAT MEET BOTH OF THE FOLLOWING CONDITIONS:
THE INFECTIOUS POTENTIAL HAS BEEN ELIMINATED
FROM THE SHARPS BY TREATMENT; AND
THE SHARPS ARE RENDERED UNRECOGNIZABLE BY
TREATMENT. (Section 3.81 of the Act)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

2) Code Citation: 35 Ill. Adm. Code 721

3) Section Numbers: Adopted Action:
721.131 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars.
1022.4 and 1027.

5) Effective Date of Amendments: February 3, 1992

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference?
No.

8) Date Filed in Agency's Principal Office: January 9, 1992

9) Notice(s) of Proposal Published in Illinois Register:
November 8, 1991; 15 Ill. Reg. 15910

10) Has JCAR issued a Statement of Objections to this (these)
Rule(s)?

Section 22.4(a) of the Environmental Protection Act provides
that this matter is not subject to first notice or to second
notice review by JCAR.

11) Difference(s) between proposal and final version:

Changes to table of contents requested by Code Division.

12) Have all the changes agreed upon by the Agency and JCAR been
made as indicated in the agreement letter issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides
that this matter is not subject to first notice or to second
notice review by JCAR.

13) Will this rule (amendments, repealer) replace an emergency
rule currently in effect? No.

14) Are there any amendments pending on this Part? Yes, in R91-
13:

POLLUTION CONTROL BOARD

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USEPA by August 6, 1991, that they intended to upgrade drip pads by placing an impermeable coating on the surface. Wood preservers also have to notify USEPA by November 6, 1991, with a plan and financial commitments for the upgrading, which must be completed by February 6, 1992.

This Docket concerns only the non-HSWA portions of the wood preserving rules. The non-HSWA requirements have no effect in authorized states, such as Illinois, until they are adopted by the states. As was discussed on p. 13 of the R91-1 Opinion, USEPA and wood preservers subject only to the non-HSWA portions of the USEPA rules may have been operating on the assumption that Illinois would not adopt the USEPA rules, because of the USEPA stay and anticipated modification of its rules. In that the Board's action might have caused confusion, the Board extended the initial notification date, from August 6 to November 6, 1991, to qualify for the stay from the Board rules.

Since the R91-1 rules were filed, the Board has received several calls from wood preservers claiming that the coating operation requires outdoor temperatures in excess of 70° F. It is therefore physically impossible to comply with the conditions of the stay by preparing a plan and carrying out the coating operation before February 6, at least in Illinois. The Board therefore amended the "stay" language in the Board Notes following listings F034 and F035 in section 721.131, as is set forth below.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Morton F. Dorothy
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
721.102	Amended	January 17, 1992; 16 Ill. Reg. 820
721.103	Amended	January 17, 1992; 16 Ill. Reg. 820
721.104	Amended	January 17, 1992; 16 Ill. Reg. 820
721.106	Amended	January 17, 1992; 16 Ill. Reg. 820
721.120	Amended	January 17, 1992; 16 Ill. Reg. 820
721.131	Amended	January 17, 1992; 16 Ill. Reg. 820
721.132	Amended	January 17, 1992; 16 Ill. Reg. 820

- 15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-26, on January 9, 1992. A copy of the Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

On August 8, 1991, the Board entered a final Opinion and Order in R91-1. Among other things, the Board adopted new regulations governing wood preservers. The rules appeared at 15 Ill. Reg. 14473, effective September 30, 1991.

These rules were derived from USEPA regulations adopted at 55 Fed. Reg. 50450, December 6, 1990. USEPA published a stay of the wood preserving rules at 56 Fed Reg. 27332, June 13, 1991. The Board addressed the stay in R91-1, even though it was outside the normal batch period for the Docket. The Board adopted the USEPA wood preserving rules, along with USEPA's language staying the rules.

To qualify for the USEPA stay, wood preservers had to notify

Table A Analytical Characteristics of Organic Chemicals (Repealed)
Table B Analytical Characteristics of Inorganic Species (Repealed)
Table C Sample Preparation/Sample Introduction Techniques (Repealed)

721.Appendix G Basis for Listing Hazardous Wastes
721.Appendix H Hazardous Constituents
721.Appendix I Wastes Excluded under Section 720.120 and 720.122
Table A Wastes Excluded from Non-Specific Sources
Table B Wastes Excluded from Specific Sources
Table C Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

721.Appendix J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans
721.Appendix Z Table to Section 721.102

Section 721.101 Purpose and Scope
721.102 Definition of Solid Waste
721.103 Definition of Hazardous Waste
721.104 Exclusions
721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106 Requirements for Recyclable Materials
721.107 Residues of Hazardous Waste in Empty Containers
721.108 PCB Wastes Regulated under TSCA

721.Appendix K Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Wastes

Section 721.110 Criteria for Identifying the Characteristics of Hazardous Waste
721.111 Criteria for Listing Hazardous Waste

721.Appendix L Characteristic of Ignitability
721.121 Characteristic of Corrosivity
721.122 Characteristic of Reactivity
721.123 Toxicity Characteristic

Section 721.120 General
721.121 Hazardous Wastes From Nonspecific Sources
721.122 Hazardous Waste from Specific Sources
721.123 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.Appendix A Representative Sampling Methods
721.Appendix B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

721.135 Wood Preserving Wastes

721.Appendix C Chemical Analysis Test Methods

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
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721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
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721.135 Wood Preserving Wastes

721.130 General
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721.135 Wood Preserving Wastes

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
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721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
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721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

721.135 Wood Preserving Wastes

721.130 General
721.131 Hazardous Wastes From Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473,

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effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155 effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992.

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.131 Hazardous Wastes From Nonspecific Sources

- a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Haz- ard Code
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F001	The following spent halogenated solvents used in degreasing: tetra-	(T)
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chloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F002	The following spent halogenated solvents: tetrachloroethylene,	(T)
------	--	-----

methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

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F003

The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl

alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F004

(T)

The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F005

(I,
T)

The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F006

(T)

Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc

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to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.)

(H)

F021

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.

(H)

F022

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzenes under alkaline conditions.

(H)

F023

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5- trichlorophenol.

(T)

F024

Process wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include

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plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

See Below

F019

Spent cyanide plating bath solutions from electroplating operations.

F007

(R,
T)

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

F008

(R,
T)

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

F009

(R,
T)

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

F010

(R,
T)

Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

F011

(R,
T)

Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

F012

(T)

Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

F019

(T)

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetra-chlorophenol, or of intermediates used

F020

(H)

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wastewaters, wastewater treatment sludges, spent catalysts and wastes listed in this Section or Section 721.132.)

F025 Condensed light ends, spent filters and (T)
filter aids, and spent desiccant wastes
from the production of certain

chlorinated aliphatic hydrocarbons by free radical catalyzed processes.

These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

F026 Wastes (except wastewater and spent (H)
carbon from hydrogen chloride
purification) from the production of

materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions.

F027 Discarded unused formulations (H)
containing tri-, tetra- or pentachloro-
phenol or discarded unused formulations

containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component).

F028 Residues resulting from the (T)
incineration or thermal treatment of
soil contaminated with hazardous waste

numbers F020, F021, F022, F023, F026 and F027.

F032 Wastewaters, process residuals, (T)
preservative drippage and spent
formulations from wood preserving

processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes

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that have had the F032 waste code deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The listing for plants that have previously used chlorophenolic formulations is administratively stayed whenever these wastes are covered by the F034 or F035 listings. These stays will remain in effect until further administrative action is taken. Furthermore, the F032 listing is administratively stayed with respect to the process area receiving drippage of these wastes provided persons desiring to continue operating notify USEPA by August 6, 1991, of their intent to upgrade or install drip pads, and by November 6, 1991, provide evidence to USEPA that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads.

(T)

F034

Wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with

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process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by November 6, 1991 February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads July 1, 1992.

(T)

F035

Wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by November 6, 1991 February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as

provided in the administrative stay. The stay of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads July 1, 1992.

F037

Petroleum refinery primary oil/water/solids separation sludge -- Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in subsection (b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge -- Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in subsection (b)(2) (including sludges generated in one or more additional units after wastewaters have been

(T)

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treated in aggressive biological treatment units), F037, K048 and K051 wastes are not included in this listing.

- F039 Leachate resulting from the treatment, storage or disposal of wastes classified by more than one waste code under Subpart D, or from a mixture of wastes classified under Subparts C and D. (Leachate resulting from the management of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its hazardous waste code(s): F020, F021, F022, F023, F026, F027 or F028.)

BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.

b) Listing specific definitions.

- 1) For the purpose of the F037 and F038 listings, oil/water/solids is defined as oil or water or solids.
- 2) For the purposes of the F037 and F038 listings:
 - A) Aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or, high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and:
 - i) The units employ a minimum of 6 horsepower per million gallons of treatment volume; and either
 - ii) The hydraulic retention time of the unit is no longer than 5 days; or

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- iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.

- B) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities shall maintain, in their operating or other on site records, documents and data sufficient to prove that:
 - i) The unit is an aggressive biological treatment unit as defined in this subsection; and
 - ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

3) Time of generation. For the purposes of:

- A) The F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
- B) The F038 listing:
 - i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
 - ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

(Source: Amended at 16 Ill. Reg. 2600 , effective February 3, 1992)

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The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Sequential Evaluation Process for the Determination of Disability

2) Code Citation: 89 Ill. Adm. Code 845

3) Section Numbers:
845.10
845.20
845.30
845.40

Adopted Action:
amendment
amendment
amendment

4) Statutory Authority: Implementing Section 3(a) and authorized by Section 3(k) of "An ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a) and 3434(k)).

5) Effective Date of Amendments: February 4, 1992

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Does this amendment contain incorporations by reference? X Yes ☒ No ☐

8) Date Filed in Agency's Principal Office: July 30, 1991

9) Notice of Proposal Published in Register: August 16, 1991 15 Ill. Reg. 11572 (issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rules? No

11) Difference(s) between proposal and final version: There are no differences between the proposed rules and the final rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes in this rulemaking were suggested by JCAR.

13) Will these amendments replace an Emergency Rule(s) currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of Amendment(s): These amendments clarify the Department's policies and procedures for the Bureau of Disability Determination Services regarding the sequential evaluation process for the determination of disability.

16) Information and answers to questions regarding this adopted rule shall be directed to:

DEPARTMENT OF REHABILITATION SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUCHAPTER g: BUREAU OF DISABILITY DETERMINATION SERVICES

PART 845

SEQUENTIAL EVALUATION PROCESS FOR THE DETERMINATION OF DISABILITY

Section

- 845.10 Definitions
- 845.11 Incorporation by Reference
- 845.20 Steps of Sequential Evaluation
- 845.30 Multiple Impairments
- 845.40 Evaluation of Pain and Other Symptoms

AUTHORITY: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 34.34(a) and (k)).

SOURCE: Adopted at 10 Ill. Reg. 19764, effective November 6, 1986; preemptory amendment at 12 Ill. Reg. 5467, effective February 25, 1988; amended at 13 Ill. Reg. 19308, effective November 22, 1989; amended at 15 Ill. Reg. 8304, effective May 20, 1991; amended at 16 Ill. Reg. 2615, effective February 4, 1992

Section 845.10 Definitions

"Bureau" means the Bureau of Disability Determination Services within the Illinois Department of Rehabilitation Services.

"Duration requirement" means the requirement that a disability has lasted or is expected to last 12 continuous months or can be expected to result in death.

"Functional equivalence" means the decision that an impairment(s) exists which is of comparable severity to an impairment which would disable an adult based on an assessment of a child's functioning.

"Individualized functional assessment" means the evaluation of functional limitations and abilities in a child to determine whether an impairment(s) exists which would disable an adult.

"Residual functional capacity" means the remaining ability to function in a work setting despite the limitations imposed by a physical or mental impairment.

"Vocational considerations" means information about an individual's residual functional capacity, age, education and work experience used

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when a disability decision based on medical evidence alone cannot be made.

(Source: Amended at 16 Ill. Reg. 2615, effective February 4, 1992)

Section 845.20 Steps of Sequential Evaluation

- a) The Bureau incorporates the criteria specified in the Code of Federal Regulations 20 CFR 404.1520a, 404.1577-1578; 404.1581, 416.920-920a, 416.924 and 416.981 revised April 1, 1989; 20 CFR 416.920, 416.923, 416.924 - 416.924f, 416.926 - 416.926c revised February 11, 1991; Social Security Rulings 86-8 (Titles II and XVI: The Sequential Evaluation Process) as Effective December 1, 1984; Social Security Ruling 91-3p (Title II: Determining Entitlement to Disability Benefits for Months Prior to January 1991 for Widows, Widowers, and Surviving Divorced Spouse Claims) as effective May 22, 1991; Section 5103 of the Omnibus Budget Reconciliation Act of 1990 (P. L. 101-508) as effective January 1, 1991.

- b) The following steps shall be used in the determination of disability unless:

- 1) The individual falls under the criteria listed in the Code of Federal Regulations 20 CFR 404.1577-1578; 416.906-416.981 revised April 1, 1989;
- 2) With regard to the adjudication of children's Supplemental Security Income disability claims, the Bureau will apply the court-ordered standard in the case of Sullivan v. Zebley; POMS-B1 832597-080-02-seq-and-fail-consider-a-child's-functional limitations when evaluating the severity of the child's impairment;

- c) b) The steps are as follows:

- 1) Is the individual engaging in substantial gainful activity?
 - A) The Bureau incorporates the criteria for determining substantial gainful activity specified in the Code of Federal Regulations 20 CFR 404.1510, 404.1571-1576, 404.1591-1592, 416.910 and 416.971-976 revised April 1, 1989; Social Security Rulings 83-33 (Titles II and XVI: Determining Whether Work Is Substantial Gainful Activity - Employees), 83-34 (Titles II and XVI: Determining Whether Work Is Substantial Gainful Activity - Self-Employed Persons), 83-35 (Titles II and XVI: Averaging of Earnings in Determining Whether Work Is Substantial Gainful Activity) as Issued 1983; and 85-5c (Disabled Child's Benefits - Determining Whether

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Work Is Substantial Gainful Activity - Averaging Earnings from Employment) as Issued in Anderson vs. Heckler 762F. 2nd 455 (8th Cir. 1984).

B) If the individual is performing substantial gainful activity, a determination that the individual is not disabled will be made regardless of the individual's medical condition, age, education, or work experience unless the individual meets the blindness provisions specified in 20 CFR 404.1581 as amended February 8, 1983, 20 CFR 404.1582 revised April 1, 1986, 20 CFR 404.1583 revised April 1, 1986, 20 CFR 404.1584 as amended May 16, 1983, 20 CFR 416.981, 20 CFR 416.982, 20 CFR 416.983 and 20 CFR 416.984 revised April 1, 1986.

C) According to Program Operations Manual System (POMS) Disability Insurance (DI) 24001, 24005 and 24010 revised June 1987, the Social Security Administration Field Offices will have jurisdiction over work issue cases, that is, cases where there is an indication that a claimant is or has engaged in work activity during a period when disability was alleged or determined.

2) Does the individual have a severe impairment?

The Bureau incorporates the provisions for determining whether an impairment is or is not severe as specified in 20 CFR 404.1520(c), 20 CFR 404.1521, and 20 CFR 416.920(c), and-20-6FR 416-921 as revised April 1, 1987; and 20 CFR 416.921 as revised February 11, 1991.

3) Does the individual have an impairment(s) that meets or equals the Listing of Impairments?

A) The Bureau incorporates the following criteria for the Listing of Impairments:

- i) Code of Federal Regulations 20 CFR 404.1525, 416.925, 404 Appendix 1 to Subpart P revised April 1, 1989;
- ii) POMS DI 24525.000 Evaluation of Acquired Immunodeficiency Syndrome (AIDS) and AIDS-Related Complex (ARC) revised April-1989 February 1990; POMS DI 24530.000 Evaluation of Musculoskeletal Issues revised February 1988; POMS DI 24540.000 Evaluation of Specific Issues - Respiratory revised February 1989; POMS DI 24545.001 Postmyocardial Infarction Cases revised September 1988; and POMS DI 24560.001 Evaluation of Chronic Myelogenous Leukemia and POMS-BI-24575-000-Evaluation-of-Specific

Issues---Multiple-Body-Systems; POMS DI 24580.000 Evaluation of Specific Issues - Neurological revised February 1988; and POMS DI 24575.000 Evaluation of Specific Issues - Multiple Body Systems revised March 1991;

iii) With regard to the claims being reviewed under the Morrison, Doe and Decker class action lawsuit, the court-ordered criteria for evaluating drug addiction and alcoholism as specified in POMS DI 32551.000 et seq. revised September-1986 August 1990.

B) The Bureau incorporates the criteria for medical equivalence specified in the Code of Federal Regulations 20 CFR 404.1526 and-416-926 as revised April 1, 1989 and 20 CFR 416.926 as revised February 11, 1991.

C) If the individual has an impairment that is determined to meet the duration requirement and is listed in the Listing of Impairments or equal to a listed impairment, a determination that the individual is disabled will be made regardless of the individual's age, education, or work experience unless the individual meets the criteria specified in 89 Ill. Adm. Code 845-20(c)(3)(B) 845.20(b)(1)(B).

4) Does the individual's impairment prevent him/her from doing past relevant work?

A) The Bureau incorporates the criteria for evaluation of residual functional capacity and past work as specified in the Code of Federal Regulations 20 CFR 404.1545, 404.1546, 416.945 and 416.946 revised April 1, 1989; Social Security Rulings 82-40 (Titles II and XVI: The Vocational Relevance of the Past Work Performed in a Foreign Country) as Effective May 14, 1982; 82-52 (Titles II and XVI: Duration of the Impairment), 82-53 (Titles II and XVI: Basic Disability Evaluation Guides), 82-56 (Titles II and XVI: The Sequential Evaluation Process), 82-61 (Titles II and XVI: Past Relevant Work - The Particular Job or Occupation as Generally Performed), 82-62 (Titles II and XVI: A Disability Claimant's Capacity To Do Past Relevant Work, In General) as Effective August 20, 1980; 85-16 (Titles II and XVI: Residual Functional Capacity for Mental Impairments), 85-28 (Titles II and XVI: Medical Impairments That Are Not Severe) as issued 1985. With regard to claims being reviewed under the Hyatt class action lawsuit, the Bureau also incorporates the court-ordered criteria for evaluating allegations of

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hypertension or diabetes as specified in POMS DI 32548.000 et seq. revised April 1, 1986 September 1990 and January 1991.

- B) If the individual has an impairment that cannot be evaluated on medical findings alone, then the residual functional capacity will be reviewed along with the physical and mental demands of the past work. This review will be conducted by a Bureau disability examiner as specified in 20 CFR 404.1520(e) amended March 5, 1985, 20 CFR 404.1615 revised April 1, 1986, 20 CFR 416.920(e) amended March 5, 1985, and 20 CFR 416.1015 amended May 29, 1981, and August 19, 1981.

- C) If the individual can still do this kind of work, a determination that the individual is not disabled will be made.

- 5) Does the individual's impairment prevent him/her from doing other work?

- A) The Bureau incorporates the criteria for vocational considerations specified in the Code of Federal Regulations 20 CFR 404.1560-1568 and 416.960-968 revised April 1, 1989; Social Security Rulings 82-41 (Titles II and XVI: Work Skills and Their Transferability as Intended by the Expanded Vocational Factors Regulations as Effective August 20, 1980), and 82-63 (Titles II and XVI: Medical-Vocational Profiles showing an Inability to Make an Adjustment to Other Work) as effective August 20, 1980.

- B) The Bureau incorporates the criteria for medical-vocational guidelines specified in the Code of Federal Regulations 20 CFR 404.1569, 20 404 Appendix 2 and 20 CFR 416.969 revised April 1, 1986; Social Security Rulings 83-10 (Titles II and XVI: Determining Capability To Do Other Work - The Medical-Vocational Rules of Appendix 2), 83-11 (Titles II and XVI: Capability To Do Other Work - The Exertionally Based Medical-Vocational Rules Met), 83-12 (Titles II and XVI: Capability To Do Other Work - The Medical Vocational Rules As a Framework for Evaluating Exertional Limitations Within a Range of Work or Between Ranges of Work), 83-14 (Titles II and XVI: Capability To Do Other Work - The Medical-Vocational Rules As a Framework for Evaluating a Combination of Exertional and Nonexertional Impairments), and 85-15 (Titles II and XVI: Capability To Do Other Work - The Medical-Vocational Rules As a Framework for Evaluating Solely Nonexertional Impairments) as effective August 20, 1980. With regard to claims being reviewed under the Morrison, Doe and Decker class action lawsuit, the Bureau

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also incorporates the court-ordered criteria for evaluating residual functional capacity and making individualized vocational assessments as specified in POMS DI 32551.000 et seq. revised September 1986 August 1990.

- C) If the individual has an impairment that cannot be evaluated on medical findings alone, prevents him/her from performing past work but does not prevent him/her from doing other work, a determination that the individual is not disabled will be made.

- D) If the impairment prevents him/her from doing other work, a determination that the individual is disabled will be made.

- d) c) When a fully or partially unfavorable determination has been made, an individual may request an administrative and judicial review of the determination according to the process described in the Code of Federal Regulations 20 CFR 404.900 and 20 CFR 416.1400 revised April 1, 1986.

- e) d) The Bureau will make disability determinations according to the criteria specified in the Code of Federal Regulations 20 CFR 404.1615 revised April 1, 1986 and 20 CFR 416.1015 as amended May 29, 1981 and August 19, 1981.

(Source: Amended at 16 Ill. Reg. 2615, effective February 4, 1992

Section 845.30 Multiple Impairments

The Bureau incorporates the criteria for multiple impairments specified in the Code of Federal Regulations 20 CFR 404.1523 and 20 CFR 416.923 as amended March 5, 1985 and 20 CFR 416.923 as amended February 11, 1991. (See also 89 Ill. Adm. Code 845.20.)

(Source: Amended at 16 Ill. Reg. 2615, effective February 4, 1992

Section 845.40 Evaluation of Pain and Other Symptoms

- a) The Bureau incorporates the criteria for the evaluation of pain and other symptoms specified in the Code of Federal Regulations 20 CFR 404.1508, 404.1528, 404.1529, 416.908, 416.928, and 416.929 revised April 1988; the Program Operations Manual System, Disability Insurance (DI) 22511.000 as amended August 1988, DI 24510.000 as amended January 1986, DI 24515.060 as amended October 1986, DI 24525.000 as amended September 1987 February 1990, DI 24540.000 as amended February 1986 1989, DI 24575.000 as amended February 1988 March 1991, DI 24580.000 as amended February 1988, and DI 25005.000 as amended January 1986 March 1989; and Social Security Rulings

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82-53 (Titles II and XVI: Basic Disability Evaluations Guides), 83-19 (Titles II and XVI: Finding Disability on the Basis of Medical Considerations Alone - The Listing of Impairments and Medical Equivalency) as effective August 20, 1980; and 88-13 (Titles II and XVI: Evaluation of Pain and Other Symptoms) as effective July 20, 1988.

- b) The Bureau will consider the evaluation of pain and other symptoms in regard to the Listing of Impairments as described in 89 Ill. Adm. Code 860 (Listing of Impairments).
- c) With regard to the following class action lawsuits, the Bureau also incorporates the specified court-ordered criteria for evaluating pain:

- 1) In the case of Boyd, et al. v. Sullivan, POMS DI 32532.000 et seq. revised March 1990.
- 2) In the case of Hyatt, et al. v. Bowen, POMS DI 32548.000 et seq. revised April, 1986 September 1990 and January 1991.
- 3) In the case of Polaski, et al. v. Bowen, POMS DI 32553.000 et seq. revised December 1989.
- 4) In the case of Samuels, et al. v. Bowen, POMS DI 32555.000 et seq. revised March 1990.

(Source: Amended at 16 Ill. Reg. 2615, effective February 4, 1992

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- 1) Heading of the Part: Property Tax/Revenue Act of 1939
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Numbers: Adopted Action:
110.190 New Section
- 4) Statutory Authority: Property Tax Extension Act (P.A. 87-17), Section 1-50
- 5) Effective Date of Amendment(s): February 4, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 4, 1992
- 9) Notice of Proposal Published in Illinois Register:
Issue #40, 10/4/91, 15 Ill. Reg. 14196
- 10) Has ICAR issued a Statement of Objections to these Amendments?: No.
- 11) Differences between proposal and final version: The main source note was amended to state "emergency rule added at" in response to a suggestion of the Administrative Code Division of the Secretary of State.
- 12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? No changes were indicated in the agreement letter.
- 13) Will this amendment replace an emergency amendment currently in effect? Yes.
- 14) Are there any amendments pending on this Part?: No.
- 15) Summary and Purpose of Amendment(s): P.A. 87-17, the Property Tax Extension Limitation Act, was passed by the General Assembly and was approved by the Governor on July 25, 1991. Article I of the Act took effect on October 1, 1991. This Article imposes an extension limitation on property tax. Pursuant to statute, the limiting rate does not include new property. The rulemaking details what constitutes new property and also explains which levies are subject to annual backdoor referendum. It is necessary that the Department's rules contain a definition of new property in order that units of local government

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

subject to the Act will be able to calculate the limiting rate, provide for referendums in those situations where required and thus comply with the law.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Stan Cichowski
Manager
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 110

PROPERTY TAX/REVENUE ACT OF 1939

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.115	Exemption Proceedings
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of County Assessor, Supervisor of Assessments or Board of Assessors
110.135	Review of Assessments - Counties of 1,000,000 or More
110.140	Board of Review Procedures and Records - Counties of Less than 1,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure
110.150	Records Reproduction
110.155	Appointment of Board of Review Members After Examination
110.160	Multi-township Assessment Districts
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Supervisor of Assessments
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation

AUTHORITY: Implementing the Revenue Act of 1939 (Ill. Rev. Stat. 1989, ch. 120, par. 482.1) as amended by P.A. 87-17 and authorized by Section 39b35 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b35).

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14504, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992.

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5) New property does not include:

- A) Property which in the prior year received a prorated assessment as damaged, uninhabitable property under Section 27a of the Revenue Act or as damaged property under Section 140.01 of the Revenue Act (disaster area). However, there are three exceptions:
 - i) If new improvements are added to the parcel, these new improvements are new property.
 - ii) If square footage is added to the structure, this addition to the structure is new property.
 - iii) If the property was completely destroyed and rebuilt, then the completely rebuilt structure is new property.
- B) Property on which the assessment has increased under Section 20j-3 of the Revenue Act of 1939 (phaseout of historic residence assessment) and property on which the assessment under Section 20j-2 has been revoked.
- C) Property which was exempt during the prior levy year and reclassified and assessed as non-exempt for the levy year.
- D) Property which was exempt on January 1 of the levy year and reclassified and assessed as non-exempt during the levy year.
- E) That portion of property receiving the homestead improvement exemption under Sections 19.23-2 or 19.23-3 of the Revenue Act of 1939. However, the additional assessment attributable to the removal or expiration of the homestead improvement exemption is new property in the year of the removal or expiration. The value of the new property shall be the most recent assessed value of that portion for which the homestead improvement exemption has expired or is removed times the equalization factor.
- F) Omitted property assessed under Section 220 of the Revenue Act.
- G) New improvements or additions to existing improvements that increased the assessed value of property during the levy year in a Tax Increment Financing District.
- H) All increases in the assessment of land.

b) Levies Subject to Annual Backdoor Referendum

- 1) Section 1-7(a) of the Property Tax Extension Limitation Act requires that a new rate or a rate increase be approved at a direct referendum before it becomes effective for an affected taxing district.
- 2) Rates required to extend taxes on levies subject to a backdoor referendum in each year there is a levy are not new rates or rate increases under Section 1-7(a) if a levy has been made for the fund in one or more of the preceding three levy years.
- 3) If a higher statutory rate limit for the fund is enacted and a levy causes the rate to be above the previous statutory rate limit, this is a rate increase under Section 1-7(a) which must be submitted to direct referendum in order to become effective.

NOTICE OF ADOPTED AMENDMENT(S)

Section 110.190 Property Tax Extension Limitation

a) New Property

- 1) New property as defined in Section 1-5 of the Property Tax Extension Limitation Act (P.A. 87-17) includes only new improvements or additions to existing improvements on any parcel of real property that increased the assessed value of that real property during the levy year. It does not include maintenance and repair. The amount of value shall be limited to the actual value added by the new improvement.
- 2) For the 1991 levy year, the dollar amount of new property for each taxing district subject to the Property Tax Extension Limitation Act shall be reported to the county clerk by the supervisor of assessments within 20 days of the adjournment of the Board of Review or by the county assessor within 10 days of the adjournment of the Board of Appeals. For the 1991 levy year, the supervisors of assessments and county assessor shall use assessment records, tax codes and other available means to accurately report the amount of new property. The value reported to the county clerk must be the final value for the new property after final Board of Review or Board of Appeals action.
- 3) For the 1992 and subsequent levy years, the township assessors, multi-township assessors, supervisors of assessments, county assessors, Boards of Review and Board of Appeals shall enter their assessments of new property located in taxing districts subject to the Property Tax Extension Limitation Act in separate columns specifically designated for new property in the assessment books.
- 4) The following special situations are new property under the circumstances described:
 - A) New improvements or additions to existing improvements that increased the assessed value of property during the levy year in an Enterprise Zone comprise new property for that levy year only to the extent that taxes are not abated on this new property.
 - B) Property which receives a prorated assessment under Section 27a of the Revenue Act of 1939 because of the construction of new or added buildings, structures or other improvements which were substantially completed, initially occupied or initially used during the levy year is new property and the amount of new property for that levy year is the amount of the equalized prorated assessment. When this property receives the full assessment in the next levy year, the difference between the equalized prorated assessment and the next levy year's equalized assessment which is due to the new or added buildings, structures or other improvements which were substantially completed or initially occupied or initially used is the amount of new property for the next levy year.

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- 4) When a levy for a specific fund is made for the first time, this is a new rate under Section 1-7(a) without regard to whether it is a new statutory authorization.
- c) Computation of the Limiting Rate
 - 1) When computing the limiting rate, the incremental equalized assessed value in a tax increment financing district is not included in the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year.
 - 2) When computing the limiting rate, the equalized assessed value in an Enterprise Zone is not included in the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year to the extent that taxes are abated on this property.
 - 3) When adjusting the limiting rate for a disconnection, the current levy year's equalized assessed value of property which was under the jurisdiction of the taxing district during the prior levy year, but which is part of the disconnected territory, is subtracted from the denominator of the limiting rate.

(Source: Added at 16 Ill. Reg. 2624, effective February 4, 1992)

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- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers: 240.400 Emergency Action: Amendment
240.415 New Section
240.726
- 4) Statutory Authority: Ill. Rev. Stat., Ch. 23 Sections 6104.01(4), (9), (11) and (12); 6104.02, 6104.03 and 6105.02
- 5) Effective Date of Amendment(s): February 1, 1992
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: January 31, 1992
- 8) Reason for Emergency:

Pursuant to the Emergency Budget Act of Fiscal Year 1992, the General Assembly has found that the State's "current financial situation constitutes an emergency" and thereby authorizes the Department "to limit services, to reduce or adjust payment rates, and to modify eligibility criteria as necessary to implement contingency reserves" (P.A. 87-838, 87th General Assembly, Special Session, January, 1992) in order to balance the State's FY92 budget.

As a result of the above, it is necessary for the Department to reduce services as soon as possible. Therefore, a new emergency rule delineating service reductions has been adopted and those rules which deal with client appeals have been amended by means of the Emergency Rulemaking process.

With these emergency changes, the Department on Aging will be able to reduce services to ensure that the resources of the Community Care Program are targeted appropriately and that all elderly requiring service will receive care.

- 9) A Complete Description of the Subjects and Issues Involved:

Effective February 1, 1992, and ending July 1, 1992, those agencies which provide in-home services (chore-housekeeper and homemaker) under the Community Care Program will begin to

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adjust service delivery to all clients receiving their service(s) and are affected by this emergency rulemaking.

This emergency rulemaking allows the Department to adjust service delivery, thereby ensuring that the limited resources of the program are distributed equitably and distributed most specifically to those elderly in the greatest economic and social need.

10) Are there any proposed amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
240.655	Amendment	10/11/91:15 Ill.Reg. 14335

11) Statement of Statewide Policy Objectives: Not applicable.

12) Information and questions regarding this amendment shall be directed to:

Name: Mary J. Mayes
Policy and Rules Analyst
Address: Illinois Department on Aging
421 East Capitol Avenue
Springfield, IL 62701
Telephone: (217) 785-3357

The full text of the Emergency Amendment(s) begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1,1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service
240.230	Adult Day Care Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Chore-Housekeeping Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation

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240.410 When the Appeal May Be Filed
 240.415 What May Be Appealed
EMERGENCY
 240.420 Group Appeals
 240.425 Informal Review
 240.430 Notice of Findings
 240.435 Withdrawing an Appeal
 240.440 Examining Department Records
 240.445 Hearing Officer
 240.450 The Hearing
 240.455 Continuance of the Hearing
 240.460 Postponement
 240.465 Dismissal Due to Non-Appeal
 240.470 Rescheduling the Appeal Hearing
 240.475 Recommendations of Hearing Officer
 240.480 The Appeal Decision
 240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section
 240.510 Application for Community Care Program
 240.520 Who May Make Application
 240.530 Date of Application
 240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section
 240.600 Eligibility Requirements
 240.610 Establishing Eligibility
 240.620 Home Visit
 240.630 Determination of Eligibility
 240.640 Eligibility Decision
 240.650 Continuous Eligibility
 240.655 Frequency of Redeterminations
EMERGENCY
 240.660 Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section
 240.710 Age
 240.715 Determination of Need
 240.720 Clients Prior to Effective Date of This Section
 240.725 Clients After Effective Date of This Section
Emergency Budget Act Reduction

EMERGENCY
 240.730 Plan of Care
 240.735 Supplemental Information
 240.740 Assessment of Need
 240.750 Citizenship
 240.755 Residence
 240.760 Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section
 240.800 Financial Factors
 240.810 Assets
 240.815 Exempt Assets
 240.820 Asset Transfers
 240.825 Income
 240.830 Unearned Income Exemptions
 240.835 Earned Income
 240.840 Potential Retirement, Disability and Other Benefits
 240.845 Family
 240.850 Monthly Average Income
 240.855 Applicant/Client Expense for Care
 240.860 Change in Income
 240.865 Application For Medical Assistance (Medicaid)
 240.870 Determination of Applicant/Client Monthly Expense for Care
 240.875 Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

Section
 240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
 240.910 Written Notification
 240.915 Service Provision
 240.920 Reasons for Denial
 240.925 Frequency of Redeterminations (Renumbered)
 240.930 Suspension of Services
 240.935 Discontinuance of Services to Clients
 240.940 Penalty Payments
 240.945 Notification
 240.950 Reasons for Termination
 240.955 Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

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240.1430 Case Management Staff Positions, Qualifications and Responsibilities
240.1440 Training Requirements For Case Management Supervisors and Case Managers

240.1010 Nursing Home Prescreening
240.1020 Interim Services
240.1040 Intense Service Provision
240.1050 Temporary Service Increase

SUBPART O: VENDORS

SUBPART K: TRANSFERS

Section
240.1510 Vendor Administrative Minimum Standards
240.1520 Vendor Responsibilities
240.1530 General Homemaker Staffing Requirements
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities
240.1540 General Chore-Housekeeping Staffing Requirements
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities
240.1550 Standard Requirements for Adult Day Care Vendors
240.1555 General Adult Day Care Staffing Requirements
240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities
240.1565 Adult Day Care Satellite Sites
240.1570 Adult Day Care Service Availability Expansion
240.1575 Adult Day Care Site Relocation
240.1580 Standards for Alternative Providers
240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

Section
240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service
240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service
240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit
240.1140 Transfer of Pending Applications
240.1150 Interagency Transfers
240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit
240.1170 Caseload Transfer - Vendor to Vendor
240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section
240.1210 Administrative Service Contract

SUBPART P: VENDOR PROCUREMENT

SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section
240.1600 Vendor Procurement
240.1605 Procuring Vendor Services
240.1610 Procurement Cycle
240.1620 Issuance of Vendor Request for Proposal
240.1625 Content of Vendor Request for Proposal
240.1630 Criteria for Number of Chore-Housekeeping and Homemaker Vendor Contracts Awarded
240.1635 Evaluation of Vendor Proposals
240.1640 Notification of Vendor Awards
240.1645 Protest or Objection to Vendor Request for Proposal Award Determination
240.1650 Failure to Maintain Vendor Compliance to Contract
240.1655 Method of Identification of Type I, II and III Vendor Violations
240.1660 Vendor Compliance During Contract Period
240.1665 Vendor Sanctions for Failure to Comply with Community Care Program Contract

Section
240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
240.1330 General Vendor and CCU Responsibilities (Repealed)
240.1396 Payment for Services (Repealed)
240.1397 Purchases and Contracts (Repealed)
240.1398 Safeguarding Case Information (Repealed)
240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

Section
240.1400 Community Care Program Case Management
240.1410 Case Coordination Unit Administrative Minimum Standards
240.1420 Case Coordination Unit Responsibilities

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SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

240.1710 Procurement Cycle For Case Management Services
240.1720 Case Coordination Unit Compliance Review

SUBPART R: ADVISORY COMMITTEES

Section
240.1800 Policy Advisory Committee
240.1850 Technical Rate Review Advisory Committee

SUBPART S: RATES

Section
240.1910 Establishment of Fixed Unit Rates
240.1920 Contract Specific Variations
240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping and Homemaker Services
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
240.1950 Adult Day Care Fixed Unit Reimbursement Rates
240.1960 Case Management Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section
240.2020 Financial Reporting of Chore-Housekeeping and Homemaker Services
240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker Services
240.2040 Minimum Direct Service Worker Costs for Chore-Housekeeping and Homemaker Services
240.2050 Cost Categories for Chore-Housekeeping and Homemaker Services

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, 'ch. 23, pars. 6104.02 and 6104.01(1)).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective

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December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days.

NOTE: Bold faced type denotes statutory language.

SUBPART D: APPEALS

Section 240.400 Appeals and Fair Hearings
EMERGENCY

- a) Any individual who applies for or receives Community Care Program (CCP) services of any kind has the right to appeal a decision, action or inaction of the Department, a Case Coordination Unit (CCU) or a vendor. If the decision, action or inaction is based on an automatic change in eligibility, rates or benefits required by Federal or State law which adversely affects some or all clients, the appeal will be automatically denied and the individual will not be afforded a hearing. The applicant/client/authorized representative shall be notified of his/her right to appeal by the CCU at the time the applicant/client/authorized representative is notified of the action taken. The individual shall be given an explanation of the right to appeal at the time of the initial home visit and upon request. A copy of the rights and responsibilities of a CCP applicant/client (including an explanation of the right to appeal) shall be provided in written format to all applicants/clients/authorized representatives during the initial home visit for determination of eligibility and

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upon request.

- b) It shall be the responsibility of the applicant/client/authorized representative to advise the Department of his/her intent to appeal.
- c) The effective date of the appeal is the date on which an applicant/client/authorized representative indicates to the Department the intent to appeal either by telephone or in writing.
- d) If the Department is advised of the intent to appeal either by letter or by telephone, the Department shall, within two (2)-work days, send to the appellant a Notice of Appeal to Department on Aging form to be completed and signed by the appellant/authorized representative.
- e) The written notice of appeal must be filed with the Department on a Notice of Appeal to Department on Aging form and shall be completed and executed by the appellant/authorized representative and returned to the Department.
- f) The executed Notice of Appeal to Department on Aging form must be submitted to the Department at the following address:
 Illinois Department on Aging
 Division of Long Term Care
 Post Office Box 60
 Springfield, Illinois 62705
- g) No later than ten (10)-work days from the date of receipt of a Notice of Appeal to Department on Aging form, the Department shall acknowledge receipt thereof to the appellant/authorized representative, and shall send copies of said acknowledgement to all parties to the appeal.
- h) The written Notice of Appeal to Department on Aging shall include the following:
 - 1) the name, address and telephone number of the applicant/client filing the appeal, or on whose behalf the appeal is filed; and
 - 2) the name, address, and telephone number of the

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- authorized representative, if any, filing the appeal on behalf of the applicant/client; and
- 3) the specific action being appealed, including the date of notice advising the applicant/client/authorized representative of the action appealed and the effective date of that action; and
 - 4) the name of the Case Coordination Unit as indicated on the notice of the action being appealed.

(Source: Emergency amendments at 16 Ill. Reg. ____ 2630 ____, effective February 1, 1992 for a maximum of 150 days)

Section 240.415 What May Be Appealed EMERGENCY

The following actions of Case Coordination Units (CCUs), vendors, or the Department may be appealed:

- a) Refusal to accept an application or reapplication.
- b) Failure to act upon an application within the mandated time period, unless delayed in any manner by the applicant/client/authorized representative in the determination of eligibility process.
- c) A decision to deny an application or request.
- d) Failure to advise prescreened individuals that they have a choice of:
 - 1) nursing home placement; or
 - 2) receiving in-home or community-based services, if eligible; or
 - 3) declining either of the above options.
- e) A decision to reduce, terminate or in any way change the Community Care Program services or the manner in which those services are provided. If the decision to reduce, terminate or in any way change CCP services is based on an automatic change in eligibility, rates or benefits required by Federal or State law which adversely affects some or all clients, the appeal will be automatically

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- denied and the individual affected will not be afforded a hearing.
- f) A decision to deny a request for redetermination.
- g) Failure to make a decision or take appropriate action on any request made by a client within fifteen (15) calendar days from the date of such request.
- h) The validity and accuracy of the amount billed to a client by a Community Care Program Vendor for the client's incurred expense for care provided.
- i) A decision by a CCU to uphold a vendor decision with which the applicant/client does not agree.
- j) Failure to advise the applicant/client of his/her right to choose a Department authorized vendor in the service area of the applicant/client to provide the services required by the plan of care.
- k) Failure of a CCU to advise an applicant/client or any of his/her rights under the Community Care Program.
- l) Failure of a CCU or vendor to comply with Community Care program rules.
- (Source: Emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992 for a maximum of 150 days)

Section 240.726 Emergency Budget Act Reduction
EMERGENCY

Effective with the delivery of services beginning March 1, 1992 through June 30, 1992, all plans of care for Community Care Program clients shall be reduced at a rate of one unit of service for every \$270 of monthly delivered in-home services as specified in the following chart:

Delivered Service Amount	Unit(s) Reduced
\$ 1 - 135	.5
136 - 270	1.0
271 - 405	1.5

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406 - 540	2.0
541 - 675	2.5
676 - 810	3.0
811 - 945	3.5
946 - 1080	4.0
1081 - 1215	4.5
1216 - 1350	5.0
1351 - Max.	5.5

(Source: Emergency rule added at 16 Ill. Reg. 2630, effective February 1, 1992 for a maximum of 150 days)

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF EMERGENCY AMENDMENT

NOTICE OF EMERGENCY AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

1) Heading of the Part: Grants

2) Code Citation: 59 Ill. Adm. Code 103

3) Section Number: Emergency Action:

Amended

103.90

4) Statutory Authority: Implementing and authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a)), as amended by P.A. 87-838, effective January 24, 1992).

5) Effective Date of Amendment: February 1, 1992.

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This amendment will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: January 31, 1992.

8) Reason for Emergency:

Emergency authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a)), as amended by P.A. 87-838, effective January 24, 1992).

9) A Complete Description of the Subjects and Issues Involved:

This rulemaking is being amended by emergency action to permit the Department to reduce funding to community agencies, if necessary, in accordance with the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.)

12) Information and questions regarding this amendment shall be directed to:

Name: Judith Hollenberg
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Address: Room 402 Stratton Building
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Telephone: 217/785-3313

The full text of the emergency amendment begins on the next page.

Section

103.10

Geographic service area

103.20

High risk/target populations (repealed)

103.30

(repealed)

103.40

Community operation of programs

103.50

General program and staffing requirements

103.60

Programs eligible for grants (effective until June 30, 1983) (repealed)

103.65

Programs eligible for grants

103.70

Special organizational structures

103.80

Monitoring and evaluation

EMERGENCY

103.90

General provisions - fiscal requirements

103.100

General provisions - accounting requirements

103.110

General provisions - allowable/non-allowable expenses

103.120

General provisions - audits

103.130

General provisions - Departmental review processes

103.140

Budget application

103.150

Agency Plan

103.160

Grant Agreement and addenda

103.170

Agency Plan compliance

103.180

Prerequisites for disbursement of funds

103.190

Interruption of disbursement and grant cancellation

103.200

Revenue/expense reports

AUTHORITY: Implementing Sections 15, 34 and 34.1 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91, pars. 100-15, 100-34 and 100-34.1), the Community Services Act (Ill. Rev. Stat. 1989, ch. 91, pars. 901 et seq.) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a)), as amended by P.A. 87-838, effective January 24, 1992) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91, par. 5-104), Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch.

SUBPART A: SYSTEM DESIGN

SUBPART B: OPERATIONAL PROCEDURES

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914, par. 100-5) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9361, effective July 21, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 1788, effective February 2, 1983; amended at 7 Ill. Reg. 9304, effective July 27, 1983; amended at 10 Ill. Reg. 10572, effective June 1, 1986; amended at 10 Ill. Reg. 10568, effective September 1, 1986; emergency amendment at 16 Ill. Reg. 2643, effective February 1, 1992, for a maximum of 150 days.

NOTE: Bold-face type denotes statutory language.

SUBPART B: OPERATIONAL PROCEDURES

Section 103.90 General provisions - fiscal requirements
EMERGENCY

a) Agencies should maximize non-Departmental funding for Department-funded programs. Sources include recipient fees, local tax revenues, voluntary funds, United Way funds, reimbursements by third parties, funds available from other state agencies or federal sources, revenue sharing funds, development or expansion of 708 support and support from local public health departments.

b) Agencies and Department staff are to negotiate projected levels of expense and Department grant support for each Department-funded program which is to be formalized through an approved Agency Plan. Grant funds in excess of actual allowable expenses by program for the period cannot be claimed. Any grant received by the agency in excess of actual allowable expenses by program is subject to recapture under provision of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985, ch. 127, pars. 2301 et seq.). A number of factors enter into the grant negotiation process, including, but not limited to:

- 1) A review of program expenses for the budget year as well as the past year;
- 2) Whether the agency provided the level of services budgeted for in prior years;
- 3) Number of clients to be served;
- 4) Type of client to be served (disability, severity, etc.);
- 5) Cost per unit of service;

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- 6) Other funding sources (other state agencies, local government units, third party payors, client fees, etc.);
- 7) Services proposed to be funded versus those outlined in the Department's Annual Plan;
- 8) Current financial status of the agency;
- 9) Ability of the agency to meet its own established goals;
- 10) Impact of any audit findings on the agency's operation;
- 11) Cost of living variances.

c) All agencies with Medicaid-eligible programs or components of programs (i.e., physician services) must submit Medicaid billings in compliance with Part 140 of the Department of Public Aid's rules (89 Ill. Adm. Code 140), Part 106, Services Charges of the Department of Mental Health and Developmental Disabilities' rules (59 Ill. Adm. Code 106), Sections 5-105 - 5-117 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1985, ch. 914, pars. 5-105 - 5-117), and Title 42, Chapter 4, Subchapter C, Medical Assistance Programs (42 CFR 430 - 489, 1982).

d) Hospital-based clinics shall submit a statement of their approved outpatient clinic rates used for third parties, such as Medicaid, Blue Cross, and other insurance carriers.

e) Funds received by a program for provision of specific services through any fee for services resource for individual recipients must be utilized in the programs in the current or immediately subsequent years for that program to qualify for a Department grant. Such funds, which are to be used in the subsequent year, are to be indicated in all subsequent revenue/expense reports to the Department for the year in which they are received and in the Agency Plan for the subsequent year.

f) Agencies must maintain a schedule of costs for each service. As the agency assesses recipient fees, a cost-based fee schedule must be used. The maximum fee billed for a service may not exceed the cost of providing the service.

g) Each agency which bills recipients for services must maintain a written policy which establishes the agency practices for billing and collection of fees. A system for billing recipients at established costs with appropriate discounts based on the ability of the recipient or the recipient's responsible relative to pay, is

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required. The system must also provide a record of charges and a method of collecting third party payments. With regard to sheltered workshops, fees can be applied only to the service aspects of the program.

h) Service provision shall not be denied on the basis of the recipient's inability or ability to pay.

i) Nothing in this Part shall prohibit the Department from reducing grant amounts during the period of the Grant Agreement pursuant to implementation of the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

(Source: Emergency amendment at 16 Ill. Reg. 2643 effective February 1, 1992, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Individual Care Grants for Mentally Ill Children
- 2) Code Citation: 59 Ill. Adm. Code 135
- 3) Section Number:
135.30
Emergency Action:
Amended
- 4) Statutory Authority: Implementing and authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).
- 5) Effective Date of Amendment: February 1, 1992.
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This amendment will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: January 31, 1992.

8) Reason for Emergency:

Emergency authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

9) A Complete Description of the Subjects and Issues Involved:

This rulemaking is being amended by emergency action to permit the Department to reduce funding to community agencies, if necessary, in accordance with the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.)

12) Information and questions regarding this amendment shall be directed to:

Name: Judith Hollenberg
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The full text of the emergency amendment begins on the next page.

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NOTICE OF EMERGENCY AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 135
INDIVIDUAL CARE GRANTS
FOR MENTALLY ILL CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Definitions
135.10	Eligibility criteria
135.20	Conditions for financial supplementation
135.30	

EMERGENCY

SUBPART B: APPLICATION, REVIEW AND APPEAL

135.40	Application process
135.50	Eligibility determination process
135.60	Complaint resolution process
135.70	Director's level appeal

SUBPART C: PLACEMENT

135.80	Approved placement roster
135.90	Placement
135.100	Supplemental security income (SSI); Social Security Administration (SSA)
135.110	Education
135.120	Termination of placement
135.130	Monitoring
135.140	Bed holds
135.150	Discharge
135.160	Communications, records and reports

AUTHORITY: Implementing Section 7.1 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91½, par. 100-7.1) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a)), as amended by P.A. 87-838, effective January 24, 1992) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104), Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91½, par. 100-5) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989,

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ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

Source: Adopted at 11 Ill. Reg. 13408, effective July 31, 1987; emergency amendment at 16 Ill. Reg. 2648, effective February 1, 1992, for a maximum of 150 days.

Section 135.30 Conditions for financial supplementation

EMERGENCY

- Financial supplementation is subject to the Department's authorization of the applicant's placement and to the appropriation of funds for the purpose by the General Assembly. Such funds may be reduced or eliminated pursuant to the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992). Authorization is based on the placement of an eligible child in a contracted facility.
- The provider or residential facility selected must have an approved purchase of service contract with the Department in accordance with Section 135.90(b).
- All public sources of financial support available to or on behalf of the child, including but not limited to Social Security Administration payments (SSA) and supplemental security income (SSI) (42 U.S.C.A. 1381 et seq., 1981), must be applied to the cost of the care provided to the extent provided by law.
- If parents are not aware of benefits that might be available for their child or have not applied for such benefits, staff will advise parents about possible sources of benefits, how and where to apply and the supportive services, information or arguments which they may use in pursuit of benefits.
- If the child has not been determined eligible for supplemental security income benefits prior to placement, the parent/guardian, on behalf of the child, must make an application with the Social Security Administration for supplemental security income benefits.
- If the child has not been determined eligible for educational entitlements pursuant to P.L. 94-142 (Education of the Handicapped Act) (20 U.S.C.A. 1401 et seq., 1981), prior to the application for an individual care grant for the mentally ill (ICG/MI), then the parent/guardian must apply to the appropriate local school board for educational entitlements under the Education of the Handicapped Act.

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- 1) Heading of the Part: Medicaid Home and Community-Based Services for Developmentally Disabled Recipients
- 2) Code Citation: 59 Ill. Adm. Code 120
- 3) Section Number: Emergency Action:
120.70 Amended
- 4) Statutory Authority: Implementing and authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

5) Effective Date of Amendment: February 1, 1992.

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This amendment will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: January 31, 1992.

8) Reason for Emergency:

Emergency authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

9) A Complete Description of the Subjects and Issues Involved:

This rulemaking is being amended by emergency action to permit the Department to reduce funding to community agencies, if necessary, in accordance with the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.)

12) Information and questions regarding this amendment shall be directed to:

Name: Judith Hollenberg
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Address: Room 402 Stratton Building
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Telephone: 217/785-3313

The full text of the emergency amendment begins on the next page.

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g) The Department must be notified immediately of any changes in public sources of financial support available to or on behalf of the child. Declaration of ineligibility, reduction of benefits or loss of benefits determined by the actions of another governmental agency, unless resulting from some failure to pursue or comply on the part of the parent, will not affect the Department's continued supplementation.

h) The Department must be notified immediately of any changes of guardianship/custody.

i) The Department must be notified immediately of any changes in the address of the parent/guardian.

(Source: Emergency amendment at 16 Ill. Reg. 2648, effective February 1, 1992, for a maximum of 150 days)

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TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 120

MEDICAID HOME AND COMMUNITY-BASED SERVICES
FOR DEVELOPMENTALLY DISABLED RECIPIENTS

SUBPART A: GENERAL PROVISIONS

Section

120.10 Definitions
120.20 Purpose
120.30 Program description
120.40 Service descriptions
120.50 Target population

SUBPART B: SYSTEM COMPONENTS

120.60 Overview
120.70 Service vendor contracts
120.80 Program assurances
120.90 Department audit

SUBPART C: RECIPIENT RIGHTS AND RESPONSIBILITIES

120.100 Overview
120.110 Appeals and fair hearings
120.120 Recipient responsibilities

SUBPART D: OPERATIONAL PROCEDURES

120.130 Filing an application
120.140 Eligibility criteria
120.150 Eligibility determination
120.160 Individual habilitation plan

AUTHORITY: Implementing Section 3 of the Community Services Act (Ill. Rev. Stat. 1989, ch. 91½, par. 903) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104). Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91½, par. 100-5) and Section 5.02(a) of the Illinois Administrative Procedure

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Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

SOURCE: Adopted and codified at 7 Ill. Reg. 15630, effective November 9, 1983; emergency amendment at 16 Ill. Reg. 2652, effective February 1, 1992, for a maximum of 150 days.

NOTE: Bold-face type denotes statutory language.

Section 120.70 Service vendor contracts
EMERGENCY

a) Contract obligations

Service vendors participating under this Part shall enter into a contract with the Department in accordance with Section 15 of "An Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1981, ch. 91½, par. 100-15) and Section 4 of the Community Services Act (Ill. Rev. Stat. 1981, ch. 91½, par. 904). The service vendor contract shall be the obligating instrument which shall provide the basis for financial participation for Medicaid home and community-based services. Nothing in this Part shall prohibit the Department from reducing grant amounts or units of purchase of care contracts to participating agencies during the period of the contract, pursuant to implementation of the Emergency Budget Act of 1992 (P.A. 87-838, effective January 24, 1992).

b) Vendor requirements

Service vendors shall contractually agree to meet the fiscal, program and reporting requirements of the Medicaid home and community-based programs and shall be willing to serve former or potential recipients of long-term care facilities. Service vendors shall also be in compliance with appropriate licensure procedures and/or standards as well as Department operational procedures for purchase of care or grant programs (see 59 Ill. Adm. Code 103, 113, and 125). They shall also comply with intake, assessment, monitoring and billing procedures established for services under this Part.

c) Vendor payments

Service vendors providing authorized services to recipients determined eligible under the Medicaid home and community-based services program shall be paid on a monthly basis upon submission of monthly

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- 1) Heading of the Part: Mental Health Clinic Program Standards and Provider Requirements
- 2) Code Citation: 59 Ill. Adm. Code 130
- 3) Section Number: 130.110
Emergency Action: Amended
- 4) Statutory Authority: Implementing and authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).
- 5) Effective Date of Amendment: February 1, 1992.

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This amendment will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: January 31, 1992.

8) Reason for Emergency:

Emergency authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

9) A Complete Description of the Subjects and Issues Involved:

This rulemaking is being amended by emergency action to permit the Department to reduce funding to community agencies, if necessary, in accordance with the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.)

12) Information and questions regarding this amendment shall be directed to:

Name: Judith Hollenberg
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The full text of the emergency amendment begins on the next page.

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billing statements. Service vendors will forward claims for payment to the Department for payment authorization.

(Source: Emergency amendment at 16 Ill. Reg. 2652, effective February 1, 1992, for a maximum of 150 days)

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TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 130
MENTAL HEALTH CLINIC PROGRAM STANDARDS
AND PROVIDER REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

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130.10	Purpose
130.11	Incorporation by reference
130.15	Clients' rights
130.20	Definitions
130.30	Application and certification process
130.40	Recertification and annual review
130.50	Suspension or termination of certification
130.51	Termination of certification
130.60	Certification appeal criteria and process
130.70	Rate setting

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

130.80	Organizational structure
130.90	Policies and procedures (Repealed)
130.100	Personnel and administrative recordkeeping
130.105	Program evaluation
130.110	Fiscal and statistical
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130.120	Recordkeeping
130.130	Clinic facilities

SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF CARE

130.140	Utilization review
130.150	Clinical records
130.160	Physician direction and mental health clinic services
130.170	Continuity of care and coordination of service
130.180	Availability of services

SUBPART D: SERVICES

130.190	Service categories
130.200	Comprehensive assessment
130.210	Treatment plan development and modification
130.220	Psychiatric treatment

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130.230	Crisis intervention
130.240	Day treatment
130.250	Case management
130.TABLE A	Mental Health Clinic Program Adult Service Utilization Parameters
130.TABLE B	Mental Health Clinic Program Children and Adolescents Service Utilization Parameters

AUTHORITY: Implementing and authorized by the Community Services Act (Ill. Rev. Stat. 1989, ch. 91½, pars. 901 et seq.), Section 15.3 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91½, par. 100-15.3) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

SOURCE: Adopted at 12 Ill. Reg. 5356, effective March 8, 1988; emergency amendments at 14 Ill. Reg. 18100, effective October 19, 1990, for a maximum of 150 days; emergency expired March 18, 1991; amended at 15 Ill. Reg. 8882, effective June 10, 1991; emergency amendment at 16 Ill. Reg. 2656, effective February 1, 1992, for a maximum of 150 days.

Section 130.110 Fiscal and statistical

EMERGENCY

- a) Mental health clinic program services shall not be denied on the basis of the client's inability or ability to pay.
- b) The provider shall maintain a schedule of mental health clinic program fees for each service based on actual costs. Sliding fee scales shall be maintained for clients unable to pay actual costs.
- c) The provider shall comply with the following provisions regarding accounting requirements and audits:

1) Accounting requirements:

- A) Each provider shall establish and maintain a formal modified accrual accounting system in accordance with Generally Accepted Accounting Principles (GAAP) (Harcourt, Brace, Jovanovich Publishers, 1989) to include a level of documentation, classification of entries, and audit trails, to meet reporting requirements as prescribed by the Department in this Part, including policies and procedures regarding billing and fee collection.

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- B) All accounting entries shall be supported by the specific source document generating the entry, recorded in books of original entry, and posted to a general ledger on a monthly basis.
- C) The provider shall ensure proper fiscal management including the appropriate utilization and distribution of funds, the use of mechanisms for producing financial reports and regular audits of accounts.
- D) Information about separate special funds, e.g., capital expenditures, shall be made available to the Department or DCFS on request.
- E) The provider shall record in the operating fund all funds that are received that are not restricted by the donor. Transfers of unrestricted funds shall be shown as transfers from the fund balance.

2) Audit requirements:

The provider shall submit an annual audit report 120 days after the end of the provider's fiscal year, to the Department. These required audit reports shall be prepared in accordance with the current American Institute of Certified Public Accountants generally accepted auditing standards appropriate for the provider and in accordance with relevant federal single audit requirements (e.g., U.S. Office of Management and Budget Circular A-128, April 12, 1985 or Circular A-133 (Single Audit Information Service, Thompson Publishing Group, 1725 K. Street N.W., Suite 200, Washington, DC 20006)). The report shall contain all applicable statements including the basic financial statement presenting the financial position of the organization, the results of its operation, and changes and fund balances or retained earnings. The report shall contain the certified public accountant's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the certified public accountant expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason, shall be stated. (A report will not be accepted if the certified public accountant's opinion is qualified or denied because the provider placed an unnecessary limitation on the scope of the audit.)

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- d) The provider shall also submit, 120 days after the end of the provider's fiscal year, the State of Illinois Interagency Statistical and Financial Report (ISFR) to the Department.
- e) The provider shall also comply with the requirements governing audits, false reporting and other fraudulent activities, pursuant to 89 Ill. Adm. Code 140.30 and 140.35 for services provided to Medicaid-eligible clients.
- f) The provider may submit billings for services in a batch as prescribed by the Department or DCFS. The billings shall include the following:
 - 1) The batch shall contain a claim transaction for each covered item of service provided to a client.
 - 2) A claim transaction shall be included with a submitted batch within the fiscal year the service was delivered and within six months of the date that the service was delivered or within 60 days of the end of the fiscal year whichever comes first.
 - 3) The provider shall keep and make available such hardcopy records and source documents associated with each submitted batch as necessary to disclose fully the nature and extent of service billings included therein.
 - 4) Each batch submitted to the Department shall be accompanied by a transmittal document providing a description of the batch (submitting provider, number of claim transactions, etc.) and a signed certification for each such batch.
 - g) The provider shall report to the Department or DCFS information regarding client's private insurance coverage or third party liability coverage on the claim transaction. In addition, adjustments to prior approved claims must be submitted on the claim transaction.
 - h) The provider shall bill non-Medicaid-eligible clients for mental health clinic program services based on the fee for service policy developed by the provider and approved by the provider's board. For Medicaid-eligible clients, the provider shall bill all other third parties prior to billing the Department or DCFS for services and shall maintain a record of all charges.
 - i) The provider shall enter into an annual contract with the Department or DCFS for the provision of the mental health clinic

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program services. The following elements shall be present in the annual contract:

- 1) The effective date and duration of the contract;
- 2) The types of services and service levels to be provided;
- 3) The payment rate for each type of service to be delivered;
- 4) The billing process and voucher cycle for reimbursement;
- 5) Liability statement of contractor and contractee;
- 6) Breach of contract statement and specific acts leading to contract termination;
- 7) Termination of contract process and requirements;
- 8) Statement of compliance with this Part; and
- 9) Signature of the responsible governing body or board and the Department or DCFS.

j) Prior to the reimbursement of a provider agency, the Department of Public Aid must approve each service billing pursuant to 89 Ill. Adm. Code 140.

k) Nothing in this Part shall prohibit the Department from eliminating services or reducing service levels during the period of the contract, pursuant to implementation of the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

(Source: Emergency amendment at 16 Ill. Reg. 2656, effective February 1, 1992, for a maximum of 150 days)

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Minimum Standards for Certification of Developmental Training Programs
- 2) Code Citation: 59 Ill. Adm. Code 119
- 3) Section Number: Emergency Action:
119.260 Amended
- 4) Statutory Authority: Implementing and authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).
- 5) Effective Date of Amendment: February 1, 1992.
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This amendment will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: January 31, 1992.
- 8) Reason for Emergency:
Emergency authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).
- 9) A Complete Description of the Subjects and Issues Involved:
This rulemaking is being amended by emergency action to permit the Department to reduce funding to community agencies, if necessary, in accordance with the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).
- 10) Are there any proposed amendments to this Part pending? No.
- 11) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.)
- 12) Information and questions regarding this amendment shall be directed to:

Name: Judith Hollenberg
Rules Administrator
Address: Room 402 Stratton Building
Springfield, IL 62765
Telephone: 217/785-3313

The full text of the emergency amendment begins on the next page.

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NOTICE OF EMERGENCY AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
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PART 119

MINIMUM STANDARDS FOR CERTIFICATION
OF DEVELOPMENTAL TRAINING PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
119.100
119.110
119.120

Applicability
Incorporation by reference
Definitions

SUBPART B: PROGRAM REQUIREMENTS

119.200

General requirements

119.205 Criteria for participation of individuals
119.210 Exclusion, suspension or discharge of an individual

119.215 Program staff

119.220 Interdisciplinary team (team)

119.225 Assessment of individuals

119.230 Individual services plan (plan)

119.235 Individual rights and confidentiality

119.240 Special training procedures

119.245 Committees

119.250 Medications and medical care

119.255 Environmental management

119.260 Administrative requirements

EMERGENCY

SUBPART C: CERTIFICATION REQUIREMENTS

119.300

Issuing a certificate and period of certification

119.305

Application for certification

119.310

Application acceptance and verification

119.315

Non-transferability of a certificate

119.320

Cessation of operations

119.325

Certificate denial

119.330

Hearings

AUTHORITY: Implementing and authorized by Section 100-15.2 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat., 1990 Supp., ch. 91j, par. 100-15.2) and Section 5.02(a) of the Illinois

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Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

SOURCE: Adopted at 14 Ill. Reg. 17227, effective October 9, 1990; emergency amendment at 16 Ill. Reg. 2662, effective February 1, 1992, for a maximum of 150 days.

NOTE: Bold-face type denotes statutory language.

Section 119.260 Administrative requirements
EMERGENCY

a) Governing body

- 1) Each program which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control and operation of the program in compliance with the General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.), and with 59 Ill. Adm. Code 103 (Grants).

- 2) The names and addresses of all owners or controlling parties (whether they are a sole proprietorship, association, partnership, corporation, or subdivisions of other bodies, such as public agencies or religious, fraternal or other charitable organizations) shall be fully disclosed and provided to the Department annually. For corporations, the names and addresses of all officers, directors, and principal stockholders, either beneficial or of record, shall be disclosed.

- 3) The governing body shall include persons who have no direct or indirect financial interest in the program and who reside in the geographic area served by the program and include persons with developmental disabilities and consumer representatives.

- 4) The provider shall notify the governing body of the Department's annual survey and other state and local inspections which indicate the outcome and disposition of any findings resulting from a survey.

b) Advisory board

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- 1) A program which is owned or operated by a sole proprietor or partnership shall appoint and maintain an advisory board whose members shall be persons who have no direct or indirect financial interest in the program, and who reside in the geographic area served by the program, and who include persons with developmental disabilities and consumer representatives.
- 2) The advisory board shall ensure that each program owned or operated by a sole proprietor or partnership shall have a charter, mission statement, goals and objectives.

c) Authorized agency representative

The provider shall appoint an authorized agency representative whose qualifications and duties are defined in writing and include authority for program administration and management. His or her performance shall be reviewed and documented annually by the governing body.

d) Provider policy requirements

- 1) The program shall have written policies which shall be reviewed annually, revised as necessary and approved by the governing body or advisory board and shall describe:
 - A) Goals and objectives reflecting annual and long-range plans;
 - B) The population served, including age groups, disabilities and the geographic service area;
 - C) The services provided in response to individual and community needs including:
 - i) The hours and days of operation;
 - ii) The methods used to perform initial screening and assessment of individuals;
 - iii) A description of processes used for development of the services plan;
 - iv) The use and approval of special training procedures such as time-out, restraint and aversive techniques;

e) Personnel requirements

NOTICE OF EMERGENCY AMENDMENT

- v) Handling emergencies and disasters; and
 - vi) Maintenance of buildings, vehicles and equipment.
- 2) Program policy shall ensure the availability of professional, administrative and support staff to assess and address the needs of individuals. This includes personnel and consultants who can communicate, either verbally or non-verbally, with individuals.

- 3) Program policy shall ensure that Department-authorized consumer-interest groups shall be permitted, with the consent of the individuals, to visit a program.

A) Consumer interest groups must request authorization in writing to visit specific programs. The request shall be made to the Department and shall specify the program to be visited and the reason for the group's proposed visit. If the group agrees to the conditions set out below, the request shall contain those agreements.

- B) The Department shall authorize a group to visit a program for a period of one year if:
 - i) The group has as one of its organizational purposes to review public services for mentally disabled individuals;
 - ii) The group agrees that its visits will not interfere with the program; and
 - iii) The group agrees to abide by the provisions of the Act concerning records and communications of individuals in programs.

C) The Department shall revoke its authorization or not renew the authorization if it has information that the group has not abided by the conditions set out above.

D) Any group whose authorization has been denied, revoked or not renewed may appeal the decision in writing to the Director, who shall review the decision and accept or reverse it within 30 days. The Director shall uphold the decision if he or she finds that the group has not abided by this Part.

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- 1) Programs shall not discriminate in the hiring or employment of staff on the basis of race, color, age, national origin, sex, religion, or handicap.
- 2) Personnel policies and procedures shall be in writing and available for review.
- 3) The program shall have written job descriptions or contractual agreements for every position, including consultant and direct-service volunteer positions, which list the job title, duties and responsibilities, minimum experience and educational requirements, immediate supervisor and subordinates.
- 4) Staff shall be licensed, registered or certified by the State, if required.
- 5) When paraprofessional or untrained staff are used in direct services, they shall be supervised by professional staff.
- 6) A pay plan for all position titles in use shall be available for review by the Department.
- f) Staff and volunteer training
 - 1) Training in principles and practices in the following areas shall be provided to direct service and professional staff:
 - A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
 - B) Behavior management;
 - C) Normalization;
 - D) Age and cultural appropriateness;
 - E) Safety, fire, and disaster procedures including:
 - i) Use of fire-fighting equipment; and
 - ii) Familiarity with the disaster preparedness plan.
 - F) Prevention, handling and reporting of abuse, neglect, exploitation, unusual incidents (see subsection (h) below);

- G) Individual rights in accordance with Chapter 2 of the Code and maintaining confidentiality in accordance with the Act;
- H) Team planning;
- I) Infection control and sanitation; and
- J) Food preparation and handling for staff who prepare and serve food to individuals.
- 2) Training for volunteers working directly with individuals shall be provided in the areas discussed in subsections (1)(A), (1)(E), (1)(F) and (1)(G) above. The agency shall provide a training program for other volunteers.

g) Quality assurance

- 1) There shall be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems.
- 2) The scope of quality assurance shall include reviewing semi-annually, or more frequently if problems are identified, at least the following:
 - A) Service planning;
 - B) The use of special training procedures including behavior management procedures;
 - C) Unusual incidents relative to services to individuals;
 - D) Service utilization;
 - E) Individuals' records ensuring that they meet the requirements of this Part;
 - F) Subcontracted services to ensure that the needs of individuals are being met; and
 - G) The status of individuals receiving service.
- 3) Records of quality assurance reviews and activities shall be filed separately from the records of individuals.

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h) Unusual incidents

- 1) The provider shall ensure that staff respond to unusual incidents by informing professional personnel and supervisory staff, documenting observations and actions and providing support and shall have written policies and procedures for such incidents, including but not limited to:

- A) Rape or sexual assault;
- B) Abuse, neglect or exploitation;
- C) Death;
- D) Injury requiring medical care and treatment;
- E) Assault;
- F) Missing individuals;
- G) Theft; and
- H) Criminal conduct.

- 2) Within 24 hours of becoming aware of an incident, the provider shall report to local law enforcement agencies any incident which is subject to the Criminal Code of 1961. (Ill. Rev. Stat. 1989, ch. 38, par. 1-1 et seq.)

- 3) The provider shall report instances of abuse, neglect or exploitation to the Bureau no later than the next working day. Such reports shall be investigated by the Bureau. If the allegation involves a residential facility, the complainant shall also be directed to call the Illinois Department of Public Health hotline. If the allegation involves an agency funded by Department but not a program or agency licensed, certified or authorized by the Bureau, the Department's Division of Developmental Disabilities shall investigate. If the allegation involves an entity who is not a program or agency, the complainant shall be directed to call local law enforcement authority.

i) Individual's record (record)

- 1) The program shall ensure the confidentiality of an individual's record in accordance with the Act and shall ensure safekeeping of all records against loss or

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destruction. Individuals or their guardians shall have access to the individual's record upon request.

- 2) The program shall maintain a chronological record for each individual. Records shall be located at a site, designated by the program, that is accessible and convenient to staff contributing to the plan.

- A) Each entry shall be legible, dated and authenticated by the signature and title of the person making the entry.
- B) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.
- C) When symbols or abbreviations are used, the program shall provide a legend, standardized throughout the program, to explain them.

- 3) The following information shall be obtained and recorded when an individual enters a program, and shall be updated as necessary:

- A) Identifying information including name, date of birth, sex, race, social security number and legal status;
 - B) The name, address and telephone number of the guardian or the person to be notified in case of an emergency;
 - C) The language spoken or understood by the individual including, in the case of a hearing impaired or non-verbal individual, the individual's preferred mode of communication, e.g., American sign language, signed English, aural, oral or tactile communications device;
 - D) Psychological assessments and recommendations;
 - E) Prescribed medications, allergies to foods, other medications and substances;
 - F) Physical and dental examinations and medical history;
 - G) Consent to receive emergency medical services; and
 - H) Copies of the authorization for release of information.
- 4) The following shall be entered in the individual's record during the period of service:

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- A) Prior service history;
- B) Initial assessments and plan and the most recent assessments and plan;
- C) Documentation of approval and their results when special training procedures are used such as time-out, restraint and aversive procedures; and
- D) Chronological progress notes, at least monthly, documenting the individual's involvement in and response to the plan.

j) Financial and operational requirements

Programs shall comply with 59 Ill. Adm. Code 103 (Grants). Nothing in this Part shall prohibit the Department from reducing grant amounts or units of purchase of care contracts to agencies receiving grants or contracting for purchase of care services during the period of the Grant Agreement or contract, pursuant to implementation of the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

(Source: Emergency amendment at 16 Ill. Reg. 2662, effective February 1, 1992, for a maximum of 150 days)

ILLINOIS REGISTER

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Recipient Discharge/Linkage/Aftercare
- 2) Code Citation: 59 Ill. Adm. Code 125
- 3) Section Number: Emergency Action:
125.70 Amended
- 4) Statutory Authority: Implementing and authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).
- 5) Effective Date of Amendment: February 1, 1992.
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This amendment will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: January 31, 1992.
- 8) Reason for Emergency:
Emergency authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).
- 9) A Complete Description of the Subjects and Issues Involved:
This rulemaking is being amended by emergency action to permit the Department to reduce funding to community agencies, if necessary, in accordance with the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).
- 10) Are there any proposed amendments to this Part pending? No.
- 11) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.)
- 12) Information and questions regarding this amendment shall be directed to:

Name: Judith Hollenberg
Rules Administrator
Address: Room 402 Stratton Building
Springfield, IL 62765
Telephone: 217/785-3313

The full text of the emergency amendment begins on the next page.

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NOTICE OF EMERGENCY AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

PART 125

RECIPIENT DISCHARGE/LINKAGE/AFTERCARE

SUBPART A: GENERAL PROVISIONS

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125.10	Purpose
125.15	Definitions
125.20	Recipient rights

SUBPART B: SYSTEM COMPONENTS

125.30	Overview
125.40	Regional DLA plan
125.50	Discharge planning
125.60	Discharge notification and objection process
125.70	Interagency agreements
EMERGENCY	
125.80	Recipient financial support
125.90	Competency

SUBPART C: INFORMATION SYSTEMS PROCEDURES

125.100	Overview
125.110	Reporting responsibilities and methods

SUBPART D: FOLLOW-UP SERVICES

125.120	Overview
125.130	Case coordination
125.140	Mandated follow-up monitoring services
125.150	Pre-placement guidelines
125.160	Follow-up monitoring guidelines
125.170	Staff action in emerging or extraordinary circumstances

AUTHORITY: Implementing and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104), Sections 5, 15, 15.1, 15a, 15b and 16 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91½, pars. 100-5, 100-15, 100-15.1, 100-15a, 100-15b and 100-16) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

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SOURCE: Adopted and codified at 7 Ill. Reg. 11234, effective August 31, 1983; emergency amendment at 16 Ill. Reg. 2672, effective February 1, 1992, for a maximum of 150 days.

NOTE: Bold-face type denotes statutory language.

Section 125.70 Interagency agreements

EMERGENCY

- a) Recipients shall be referred from state-operated facilities to supportive community programs in ways which insure the continuity of needed services. Interagency coordination then is an essential element for improving the capacity of the services system to provide necessary support. Written interagency agreements facilitate the establishment, as well as the understanding and observance of the agreements by various personnel associated with the organizations.
- b) Each Department region and/or state-operated facility must maintain current written linkage agreements as part of its DLA plan with appropriate community agencies involved in the network of services in that region. The following elements are suggested for consideration in the development of these interagency agreements.
 - 1) Clear statement of the purpose of the agreement between parties, identifying specific programs to be effected, with delineation of goals and measurable objectives for the terms of the agreement.
 - 2) Definitions of any terms that could be ambiguous between the parties.
 - 3) Specific actions, roles and responsibilities of each party to the agreement as well as mutual responsibilities.
 - 4) Designation of staff position(s) within each agency responsible for:
 - A) Implementing the agreement as specified;
 - B) Monitoring the implementation;
 - C) Negotiating change when necessary to update agreement;
 - D) Resolving disagreements.

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- 5) General administrative procedures for parties affected by the agreement (i.e., specified time period for agreement, mechanism for updating/revising, scheduling meetings, confidentiality safeguards, referral mechanisms, information sharing, and other assurances).
- 6) Evaluation design specified and agreed upon by all parties to be used in monitoring implementation of agreement; identification of person(s) responsible for evaluating and sanctions agreed upon to assure its implementation.
- c) It is important that each region and/or facility maintain these agreements and provide adequate staff to implement the provisions. This may involve meeting regularly with staff from community agencies/facilities as well as including community agency/facility staff on state-operated treatment/habilitation teams. Alcoholism agencies must be in conformance with 59 Ill. Adm. Code 107.50.
- d) Agencies which are performing mandated follow-up services for the Department shall enter into an agreement which, in essence, establishes the principle that mandated follow-up services are a statutory responsibility of the Department. While performance of the function may be delegated to a community agency, responsibility for the function cannot be delegated. Therefore, the community agency acts as an agent of the Department in complying with this legal mandate.
- e) Additional policies and procedures required of community agencies receiving financial support from the Department are contained in Grants (59 Ill. Adm. Code 103) and in purchase of care program guidelines. Designated regional staff are assigned to work with each community agency to facilitate compliance with the requirements. Nothing in this Part shall prohibit the Department from reducing grant amounts or units of purchase of care contracts to agencies receiving grants or contracting for purchase of care services during the period of the Grant Agreement or contract, pursuant to implementation of the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

(Source: Emergency amendment at 16 Ill. Reg. 2672, effective February 1, 1992, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Standards and Licensure Requirements for Community-Integrated Living Arrangements
- 2) Code Citation: 59 Ill. Adm. Code 115
- 3) Section Number: 115.320
Emergency Action: Amended
- 4) Statutory Authority: Implementing and authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).
- 5) Effective Date of Amendment: February 1, 1992.
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This amendment will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: January 31, 1992.
- 8) Reason for Emergency: Emergency authorized by Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).
- 9) A Complete Description of the Subjects and Issues Involved:
This rulemaking is being amended by emergency action to permit the Department to reduce funding to community agencies, if necessary, in accordance with the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).
- 10) Are there any proposed amendments to this Part pending? Yes.

Section Number	Proposed Action	Illinois Register Citation
115.300	Amendment	15 Ill. Reg. 18334
- 11) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.)

DEPARTMENT OF MENTAL HEALTH AND
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- 12) Information and questions regarding this amendment shall be directed to:

Name: Judith Hollenberg
Rules Administrator
Address: Room 402 Stratton Building
Springfield, IL 62765
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The full text of the emergency amendment begins on the next page.

DEPARTMENT OF MENTAL HEALTH AND
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NOTICE OF EMERGENCY AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 115

STANDARDS AND LICENSURE REQUIREMENTS FOR
COMMUNITY-INTEGRATED LIVING ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

Section	Purpose
115.100	Incorporation by reference
115.110	Definitions
115.120	

SUBPART B: SERVICE REQUIREMENTS

Section	Description
115.200	Criteria for participation of individuals
115.210	Criteria for termination of individuals
115.215	Community support team
115.220	Interdisciplinary process
115.230	Medical services and medications
115.240	Individual rights and confidentiality
115.250	

SUBPART C: GENERAL AGENCY REQUIREMENTS

115.300	Environmental management of living arrangements
115.310	Geographic location of community-integrated living arrangements
115.320	Administrative requirements
<u>EMERGENCY</u>	

SUBPART D: LICENSURE REQUIREMENTS

115.400	Applicability
115.410	Issuing a license and period of licensure
115.420	License application
115.430	Application acceptance and verification
115.440	Non-transferability of license
115.450	Cessation of operations
115.460	License revocation
115.470	Hearings

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NOTICE OF EMERGENCY AMENDMENT

115.Appendix A Specific Level of Functioning Assessment and Physical Health Inventory

AUTHORITY: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1989, ch. 91½, par. 1701 et seq.) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104). Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91½, par. 100-5) and Section 5.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1005.02(a), as amended by P.A. 87-838, effective January 24, 1992).

SOURCE: Adopted at 14 Ill. Reg. 10865, effective July 1, 1990; emergency amendment at 14 Ill. Reg. 20550, effective December 5, 1990, for a maximum of 150 days; emergency expired May 18, 1991; amended at 15 Ill. Reg. 8560, effective May 24, 1991; emergency amendment at 16 Ill. Reg. 2676, effective February 1, 1992, for a maximum of 150 days.

NOTE: Bold-face type denotes statutory language.

Section 115.320 Administrative requirements
EMERGENCY

a) Governing body

- 1) Each agency which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control, and operation of the agency and all programs, services, facilities and residences it administers.
- 2) The names and addresses of all owners or controlling parties of the agency (whether they are single persons, partnerships, corporate bodies, or subdivisions of other bodies, such as public agencies or religious, fraternal or other charitable organizations) shall be fully disclosed and provided to the Department annually. For corporations, the names and addresses of all officers, directors, and stockholders, either beneficial or of record, shall be disclosed.
- 3) The governing body shall establish bylaws, rules and regulations subject to examination during the licensure processes which shall:

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- A) Describe the method of selecting members, and the conditions which describe tenure and rotation of members;
 - B) Specify the conditions under which a conflict of interest may exist for members and establish policies and procedures to address such situations; and
 - C) Specify that the governing body shall meet at least quarterly and document in minutes of its meetings who is in attendance, issues presented and actions taken, including a review of the reports of licensure surveys.
- 4) The governing body shall include persons who have no ownership interest and receive no income from the agency and who reside in the geographic area served by the agency and include representatives of the community, consumers and consumer representatives.
 - 5) The governing body shall be notified of the annual survey by the Department and other inspections which indicate the outcome and disposition of any findings resulting from a survey.

b) Advisory board

- 1) Each agency which is owned or operated by a sole proprietor or partnership shall appoint and maintain an advisory board whose members shall be persons who have no ownership interest and receive no income from the agency and who reside in the geographic area served by the agency and include representatives of the community, consumers and consumer representatives.
 - 2) The advisory board shall ensure that each agency which is owned or operated by a sole proprietor or partnership shall have a charter, mission statement and goals and objectives.
- c) Authorized agency representative
The agency shall appoint an authorized agency representative whose qualifications and duties are defined in writing and which include authority for administration and management, and whose performance shall be reviewed and documented annually.
 - d) Agency policy requirements

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- 1) The agency shall have written policies which shall be reviewed annually and revised as necessary by the governing body or advisory board and shall describe:

- A) Goals and objectives reflecting annual and long-range plans;
- B) The services provided in response to individual and community needs;
- C) The population served, including age groups, disability and geographic service area;
- D) The hours and days of operation;
- E) The methods used to carry out initial screening and assessment of individuals;
- F) A description of processes used for development of the individual integrated services plan;
- G) The use of and approval for special procedures such as time out, restraint and aversive techniques; and
- H) Procedures for handling emergencies and disasters.

- 2) Agency policy shall ensure the availability of professional, administrative and support staff to assess and address the needs of individuals. This includes personnel and consultants who can communicate, either verbally or non-verbally, with individuals.

- 3) Agency policy shall ensure that Department-authorized consumer interest groups shall be permitted, with the consent of individuals, to visit agencies and living arrangements owned or leased by an agency.

e) Personnel requirements

- 1) Agencies shall not discriminate in the hiring or employment of staff on the basis of race, color, age, national origin, sex, religion, or handicap.
- 2) Personnel policies and procedures shall be set forth in writing and shall be available for review.

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- 3) The agency shall have written job descriptions or contractual agreements for every position, including consultant and direct-service volunteer positions, which list the job title, duties and responsibilities, minimum experience and educational requirements, immediate supervisor and subordinates.
- 4) Mental health and developmental disabilities staff shall be licensed, registered or certified as required by the laws of the State.
- 5) When paraprofessional or untrained staff are used in direct services, they shall be supervised in provision of services by professional staff.
- 6) A pay plan including the salary range for all position titles in use shall be available.

f) Staff training

- 1) Direct service staff shall receive 40 hours of training prior to direct involvement with individuals. Training for direct-service staff shall include but not be limited to, the following areas:
 - A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
 - B) Concepts of treatment, habilitation and rehabilitation including behavior management, normalization, age appropriateness and psycho-social rehabilitation depending on the needs of the individuals served or to be served;
 - C) Safety, fire, and disaster procedures;
 - D) Abuse, neglect and unusual incident prevention, handling and reporting;
 - E) Individual rights in accordance with Chapter 2 of the Code and maintaining confidentiality in accordance with the Act;
 - F) The nature and structure of the individual integrated services plan;

DEPARTMENT OF MENTAL HEALTH AND
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- G) The type, dosage, characteristics and side effects of medications prescribed for individuals; and
- H) Screening for involuntary muscular movement, which may be indicative of tardive dyskinesia.

2) Following completion of training requirements in subsection (1) above, direct-service staff may be involved with individuals but shall be provided training in the following areas of not less than 40 hours, to be completed within six months of assignment:

- A) Development and implementation of an individual integrated services plan;
- B) Formal assessment instruments used and their role in the development of the services plan;
- C) Documentation and record keeping requirements with reference to the services plan; and
- D) Other training which relates specifically to the type of disability or treatment and intervention techniques being used specific to individuals living in CILAs geared toward assisting staff execute objectives contained in services plans.

3) Upon completion of training specified in subsections (1) and (2) above, each direct service staff member shall participate in not less than 40 hours of training per year designed to enhance his or her ability to deliver services to individuals which promotes community integration, independence in daily living and economic self-sufficiency.

4) All training shall be documented in each employee's personnel record and shall be readily available for review by Department surveyors;

5) The agency shall implement a written training plan which describes each formal course offered to meet the requirements of this Part, the methods used to provide training, and to determine pass, fail, proficiency and/or completion of any required training.

g) Volunteer training

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The agency shall provide a training program for volunteers prior to their working with individuals. For volunteers working directly with individuals, training shall include subsections (f)(1)(A), (f)(1)(C), (f)(1)(D) and (f)(1)(E) above, and may include subsection (f)(1)(B) as required by the agency.

h) Quality assurance

1) There shall be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems.

2) The agency's quality assurance program shall be the basis for annually certifying to the Department that individuals are receiving appropriate community-based services consistent with their services plans, that all programs and services are supervised by the agency and comply with this Part.

A) If a certified CILA does not continue to meet standards, the agency shall correct deficiencies within 30 days; or

B) If deficiencies in a certified CILA cannot be corrected within 30 days, the agency shall withdraw certification of the CILA program in question and notify the Department. The agency shall remain responsible for those individuals who live in or lived in the affected CILA.

3) The scope of quality assurance shall include reviewing semi-annually, or more frequently if problems are identified, at least the following:

A) The interdisciplinary process, service planning and implementation as they relate to community integration, independence in daily living and economic self-sufficiency;

B) The use of special procedures including behavior management techniques;

C) Unusual incidents relative to services to individuals;

D) Service utilization;

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- E) Individuals' records ensuring that they meet the requirements of this Part;
- F) Arranged services to ensure that the needs of individuals are being met in accordance with this Part;
- G) The status of individuals receiving service; and
- H) Environmental reviews of living arrangements.

5) Quality assurance reviews and activities shall be documented and quality assurance records shall be filed separately from the records of individuals.

i) Unusual incidents

1) The agency shall ensure that staff know how to address unusual incidents and shall have written policies and procedures for handling, investigating, and reporting of unusual incidents which shall include but are not limited to the following:

- A) Rape or sexual assault;
- B) Abuse or neglect;
- C) Death;
- D) Physical injury as clarified in the definition of "Abuse" in Section 115.120;
- E) Assault;
- F) Missing persons;
- G) Theft; and
- H) Criminal conduct.

2) Within 24 hours of occurrence the agency shall report any incident which is subject to the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 1-1 et seq.) to the local law enforcement agencies.

3) The agency shall ensure that instances of abuse or neglect against individuals in programs which are licensed by the Department are reported to the Department of Public Health as

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required by the Abused and Neglected Long Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1989, ch. 111½, par. 4161 et seq.). The Department of Public Health shall report all incidents of abuse and neglect that occur in CILAs to the Department.

4) Either the Department of State Police or the Department shall investigate all incidents of abuse or neglect reported to the Department of Public Health.

j) Individuals' records

1) The agency shall ensure the confidentiality of individuals' records in accordance with the Act and shall ensure safekeeping of all records against loss or destruction.

2) The agency shall maintain a chronological record for each individual. Records shall be located at the program site at which individuals are being served.

- A) Each entry shall be legible, dated and authenticated by the signature and title of the person making the entry.
- B) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.
- C) When symbols or abbreviations are used, the agency shall provide a legend to explain them which shall be standardized throughout the agency.

3) On an individual's entry into the agency, the following information shall be obtained, recorded and updated as necessary in the individual's record:

- A) Identifying information including name, date of birth, sex, race, social security number and legal status;
- B) The name, address and telephone number of the legal guardian or the person to be notified in case of an emergency;
- C) The language spoken or understood by the individual including, in the case of a hearing impaired or non-verbal individual, the individual's preferred mode of communication, e.g., American sign language, signed English, aural, oral or tactile communications device;

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- D) Prescribed medications, reactions and side effects to medications, allergies to foods, other medications and substances;
 - E) Physical and dental examinations, and medical history;
 - F) Consent to receive emergency medical services; and
 - G) Copies of the authorization for release of information.
- 4) The following shall be entered in the individual's record during the period of service:
- A) Written informed consent by the individual or guardian to participate in a CILA;
 - B) Prior service history;
 - C) Initial assessment and individual integrated services plan, and reassessments, and individual integrated services plan as described in Sections 115.230(f) through (o);
 - D) Documentation of approval to use special procedures and the results of their use;
 - E) Progress notes, which shall be entered chronologically and at least monthly, documenting the individual's involvement in and response to the services plan.

k) Financial and operational requirements

Agencies licensed to provide CILAs shall comply with 59 Ill. Adm. Code 103 (Grants). Nothing in this Part shall prohibit the Department from reducing grant amounts or units of purchase of care contracts to agencies receiving grants or contracting for purchase of care services during the period of the Grant Agreement or contract, pursuant to implementation of the Emergency Budget Act of Fiscal Year 1992 (P.A. 87-838, effective January 24, 1992).

(Source: Emergency amendment at 16 Ill. Reg. 2676, effective February 1, 1992, for a maximum of 150 days)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Application Process
- 2) Code Citation: 89 Ill. Adm. Code 683
- 3) Section Numbers: Emergency Action:
683.100 Repealed
- 4) Statutory Authority: Implementing and authorized by Section 3(a) of the Disabled Persons Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(a)) and the Emergency Budget Reduction Act of Fiscal Year 1992 (P.A. 87-0838).
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 3, 1992
- 6) If this emergency rule (amendment, repealer) is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed in Agency's Principal Office: February 3, 1992
- 8) Reason for Emergency: Implementing provisions of the Emergency Budget Reduction Act of Fiscal Year 1992 (P.A. 87-0838).
- 9) A Complete Description of the Subjects and Issues Involved: Halting the availability of applications and intake for the Home Services Program.
- 10) Are there any proposed amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

11) Statement of Statewide Policy Objectives: N/A

12) Information and answers to questions regarding this rule shall be directed to:

Ms. Susan Warner, Acting Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 785-9301

The full text of Emergency Amendment(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 683
 APPLICATION PROCESS

Section 683.100 Availability of Applications (Repealed)
 EMERGENCY
 683.200 Completed Application
 683.300 Making Application
 683.400 Date of Application
 683.500 Applicant
 683.600 Filing of Application
 683.700 Signing of Application
 683.800 Assistance by Local Office Staff

AUTHORITY: Implementing and authorized by section 3(a) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(a)) and the Emergency Budget Reduction Act of Fiscal Year 1992 (P.A. 87-0838).

SOURCE: Adopted and codified at 7 Ill. Reg. 31, p. 8848, effective July 18, 1983; amended at 8 Ill. Reg. 15618, effective August 17, 1984; emergency amendment at 16 Ill. Reg. 2688, effective February 3, 1992, for a maximum of 150 days.

Section 683.100 Availability of Applications (Repealed)
 EMERGENCY

An application form shall be mailed or otherwise provided to any individual requesting application to the Home Services Program (HSP) within one working day of the request for application.

(Source: Repealed at 16 Ill. Reg. 2688, effective February 3, 1992 for a maximum of 150 days)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Fiscal Year 1992 Emergency Budgetary Changes
- 2) Code Citation: 89 Ill. Adm. Code 674
- 3) Section Numbers:

	<u>Emergency Action:</u>
674.10	New Section
674.20	New Section
674.30	New Section
674.40	New Section
674.50	New Section
- 4) Statutory Authority: Implementing and authorized by Section 3(a) of the Disabled Persons Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(a)) and the Emergency Budget Reduction Act of Fiscal Year 1992 (P.A. 87-0838).
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 1, 1992
- 6) If this emergency rule (amendment, repealer) is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed in Agency's Principal Office: January 29, 1992
- 8) Reason for Emergency: Implementing provisions of the Emergency Budget Reduction Act of Fiscal Year 1992 (P.A. 87-0838).
- 9) A Complete Description of the Subjects and Issues Involved: Halting the availability of applications and intake for the Home Services Program.
- 10) Are there any proposed amendments pending on this Part: No
- 11) Section Numbers Proposed Action Illinois Register Citation
- 12) Statement of Statewide Policy Objectives: N/A
- 12) Information and answers to questions regarding this rule shall be directed to:

Ms. Susan Warner, Acting Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF EMERGENCY RULES

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF EMERGENCY RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

Telephone number: (217) 785-3896
T.D.D.: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

PART 674
Fiscal Year 1992 Emergency Budgetary Changes

Section
674.10 General Provisions
EMERGENCY
674.20 Referral
EMERGENCY
674.30 Application
EMERGENCY
674.40 Prescreening
EMERGENCY
674.50 Appeals
EMERGENCY

AUTHORITY: Implementing and authorized by Section 3(a) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(a)) and the Emergency Budget Reduction Act of Fiscal Year 1992 (P.A. 87-0838).

SOURCE: Emergency Rules Adopted at 16 Ill. Reg. 2690, effective February 1, 1992, for a maximum of 150 days.

Section 674.10 General Provisions
EMERGENCY

- a) In order to implement contingency reserves under S.B. 424 (P.A. 87-0838), the Emergency Budget Act of Fiscal Year 1992, and to provide fiscal safeguards to ensure that the Department of Rehabilitation Services (DORS) does not incur obligations in excess of appropriated funds; DORS has adopted this Part which makes substantive changes to DORS' Home Services Program (HSP), (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).
- b) All provisions of this Part shall be effective as of the filing date and shall remain in effect until July 1, 1992.
- c) If, subsequent to the adoption of this Part, the General Assembly enacts legislation which appropriates

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY RULES

funding at levels which negates the necessity of this Part, DORS shall repeal any or all of this Part and restore intake services, as funding shall permit.

- d) No provisions of this Part shall effect individuals currently receiving services through HSP, or individuals who have completed the application process prior to the effective date of this Part, unless appropriated funds are insufficient to meet current client services.

Section 674.20 Referral
EMERGENCY

- a) For the effective period of this Part, this Section shall be substituted for rules found at 89 Ill. Adm. Code 678.300.
- b) DORS shall gather referral information on all pre-applicants/referrals seeking to apply for HSP. This information shall include: name; address; age; sex; referral source; and alleged disability. The information shall be reviewed and if appropriate for DORS services, this information shall be recorded in a standardized and confidential manner for the purpose of establishing a list of individuals interested in applying for HSP so that, at a time funding levels for HSP allow, adequate information will be on hand to permit DORS to contact these individuals to make application to HSP, if they choose. If the referral information indicates that the individual is not a candidate for services through HSP, but possibly for another agency's program, appropriate referral shall be made.

Section 674.30 Application
EMERGENCY

- a) For the effective period of this Part, this Section shall be substituted for rules found at 89 Ill. Adm. Code 678.350, 89 Ill. Adm. Code Part 683 and 89 Ill. Adm. Code Part 693.
- b) DORS shall not make applications available to individuals wishing to apply for services through HSP. Only that information necessary to constitute a

DEPARTMENT OF REHABILITATION SERVICES

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bonafide referral shall be gathered, as previously stated in Section 674.20(b) of this Part.

Section 674.40 Prescreening
EMERGENCY

- a) For the effective period of this Part, this Section shall be substituted for rules found at 89 Ill. Adm. Code Part 690 which offer HSP services as an alternative to nursing home care (NHC).
- b) DORS shall continue to prescreen individuals for NHC as required in 89 Ill. Adm. Code 690.100. However, individuals determined as eligible for nursing home placement or HSP services, as determined by the DETERMINATION OF NEED (see 89 Ill. Adm. Code 685.500), shall not be provided HSP services as an alternative to NHC.

Section 674.50 Appeals
EMERGENCY

For the effective period of this Part, pre-applicants/referrals shall not be considered "clients" and thus shall not have the right to appeal under 89 Ill. Adm. Code Part 510 any action or inaction on the part of DORS related to the refusal by DORS to take an application.

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) Section Numbers: 177.2000
Action: Withdrawal

4) Date Notice of Proposed Amendments Published in the Illinois Register:

November 8, 1991 15 Ill. Reg. 15990

5) Reason for the withdrawal: On December 20, 1991, the Research and Special Programs Administration for the U. S. Department of Transportation published a final rule at 56 FR 66124. This federal rulemaking amended 49 CFR 177 which has been incorporated by reference in this rulemaking (i.e., 92 Ill. Adm. Code 177). Due to the substantive nature of the December 20, 1991 federal rulemaking, the Department is withdrawing this rulemaking in order to update its incorporation by reference to include the December 20, 1991 rulemaking.

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of Part: General Information, Regulations, and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3) Section Numbers: 171.6
171.1000
Action: Withdrawal

4) Date Notice of Proposed Amendments Published in the Illinois Register:

November 8, 1991 15 Ill. Reg. 15995

5) Reason for the withdrawal: On December 20, 1991, the Research and Special Programs Administration for the U. S. Department of Transportation published a final rule at 56 FR 66124. This federal rulemaking amended 49 CFR 171 which has been incorporated by reference in this rulemaking (i.e., 92 Ill. Adm. Code 171). Due to the substantive nature of the December 20, 1991 federal rulemaking, the Department is withdrawing this rulemaking in order to update its incorporation by reference to include the December 20, 1991 rulemaking.

DEPARTMENT OF TRANSPORTATION

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of Part: Hazardous Materials Table and Hazardous Materials Communications

2) Code Citation: 92 Ill. Adm. Code 172

3) Section Numbers:
172.2000
172.2215
Action:
Withdrawal
Withdrawal

4) Date Notice of Proposed Amendments Published in the Illinois Register:

November 8, 1991 15 Ill. Reg. 16003

5) Reason for the withdrawal: On December 20, 1991, the Research and Special Programs Administration for the U. S. Department of Transportation published a final rule at 56 FR 66124. This federal rulemaking amended 49 CFR 172 which has been incorporated by reference in this rulemaking (i.e., 92 Ill. Adm. Code 172). Due to the substantive nature of the December 20, 1991 federal rulemaking, the Department is withdrawing this rulemaking in order to update its incorporation by reference to include the December 20, 1991 rulemaking.

DEPARTMENT OF TRANSPORTATION

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of Part: Shippers General Requirements for Shipments and Packagings

2) Code Citation: 92 Ill. Adm. Code 173

3) Section Numbers:
173.3000
Action:
Withdrawal

4) Date Notice of Proposed Amendments Published in the Illinois Register:

November 8, 1991 15 Ill. Reg. 16008

5) Reason for the withdrawal: On December 20, 1991, the Research and Special Programs Administration for the U. S. Department of Transportation published a final rule at 56 FR 66124. This federal rulemaking amended 49 CFR 173 which has been incorporated by reference in this rulemaking (i.e., 92 Ill. Adm. Code 173). Due to the substantive nature of the December 20, 1991 federal rulemaking, the Department is withdrawing this rulemaking in order to update its incorporation by reference to include the December 20, 1991 rulemaking.

DEPARTMENT OF TRANSPORTATION

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of Part: Shipping Container Specifications

2) Code Citation: 92 Ill. Adm. Code 178

3) Section Numbers:
178.336.1.1
178.336.1.5
178.2000
Action:
Withdrawal
Withdrawal
Withdrawal

4) Date Notice of Proposed Amendments Published in the Illinois Register:
November 8, 1991 15 Ill. Reg. 16015

5) Reason for the withdrawal: On December 20, 1991, the Research and Special Programs Administration for the U. S. Department of Transportation published a final rule at 56 FR 66124. This federal rulemaking amended 49 CFR 178 which has been incorporated by reference in this rulemaking (i.e., 92 Ill. Adm. Code 178). Due to the substantive nature of the December 20, 1991 federal rulemaking, the Department is withdrawing this rulemaking in order to update its incorporation by reference to include the December 20, 1991 rulemaking.

DEPARTMENT OF TRANSPORTATION

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of Part: Specifications for Tank Cars

2) Code Citation: 92 Ill. Adm. Code 179

3) Section Numbers:
179.2000
Action:
Withdrawal

4) Date Notice of Proposed Amendments Published in the Illinois Register:
November 8, 1991 15 Ill. Reg. 16027

5) Reason for the withdrawal: On December 20, 1991, the Research and Special Programs Administration for the U. S. Department of Transportation published a final rule at 56 FR 66124. This federal rulemaking amended 49 CFR 179 which has been incorporated by reference in this rulemaking (i.e., 92 Ill. Adm. Code 179). Due to the substantive nature of the December 20, 1991 federal rulemaking, the Department is withdrawing this rulemaking in order to update its incorporation by reference to include the December 20, 1991 rulemaking.

CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Act
Grievance Procedure
- 2) Code Citation: 20 Ill. Adm. Code 1580
- 3) Register Citation to Notice of Proposed Rules:
16 Ill. Reg. 1948; February 7, 1992
- 4) Date, Time, and Location of Public Hearing:
February 19, 1992
11:15 a.m. to 12:00 p.m.
Illinois Criminal Justice Information Authority
120 S. Riverside
Chicago, IL 60606

5) Other Pertinent Information: The hearing will be conducted to provide an opportunity for public comment on the proposed rules for the Americans With Disabilities Act Grievance Procedure published in the Illinois Register, Volume 16, Page 1948, February 7, 1992. The following procedures shall be followed:

1. Written comment may be submitted in lieu of oral testimony. Such comment shall be no more than twenty (20) pages and may be delivered to the hearing or mailed prior to the hearing to the address indicated in the proposed rules (same as address listed above) addressed to Mr. Paul D. Fields, General Counsel.
2. Those persons who want to testify shall provide notice of this intention to the Authority. Notice shall be made in writing to the address indicated in the Notice of Proposed Rules and must be received by close of business on February 14, 1992.
3. Oral testimony shall be limited to not more than three minutes per person. The Authority reserves the right to reduce this time if a person is making repetitive comments addressing the same issue that a previous person has addressed.
4. In the event that time permits, the Authority reserves the right to waive or modify the time and notice limitations.
5. The hearing will be open to the public and recorded by mechanical means.

CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

6. Any questions concerning the hearing can be directed to the address indicated in the Notice of Proposed Rules.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION

BY COMMERCE BANCSHARES, INC.,
KANSAS CITY, MISSOURI, TO ACQUIRE
FIRST PEORIA CORP., PEORIA, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1989, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Commerce Bancshares, Inc., 1000 Walnut Street, P.O. Box 13686, Kansas City, Missouri 64199-3686, to acquire First Peoria Corp., 416 Main Street, Peoria, Illinois 61602.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Jerry D. Cavanaugh
Neal J. O'Brien
Commissioner of Banks and Trust Companies
Room 100 Reisch Building
117 South Fifth Street
Springfield, Illinois 62701.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria as originally published in 15 Ill. Reg. 3334, March 1, 1991, have been revised as follows. This listing constitutes the water quality criteria that have been derived through January 31, 1992.

CAS #71-43-2

Chemical: Benzene

Date criteria derived: August 15, 1990

Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; and Willow Creek, Reach No. 07120004-011/off.

acute criterion: 5,200 ug/l

chronic criterion: 416 ug/l

Chemical: Chlorobenzene

Date criteria derived: December 11, 1991

Applicable waterbody: Kyte River, Reach No. 07090005-010/on.

CAS #108-90-7

acute criterion: 993 ug/l

chronic criterion: 79 ug/l

Chemical: Ethyl Benzene

Date criteria derived: August 15, 1990, revised May 17, 1991

Applicable waterbodies: Unnamed tributary to Coal Creek, Reach No. 07090005-003/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Higgins Creek, Reach No. 07120004-011/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed tributary drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Wiley Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; and Willow Creek, Reach No. 07120004-011/off.

CAS #100-41-4

acute criterion: 216 ug/l

chronic criterion: 17.2 ug/l

Chemical: Hydrazine

Date criteria derived: September 13, 1990

Applicable waterbody: Rock River, Reach No. 07090005-012/on.

CAS #302-01-2

acute criterion: 6.2 ug/l

chronic criterion: 0.5 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Toluene
 Date criteria derived: August 16, 1990, revised May 17, 1991
 Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Willey Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; and Willow Creek, Reach No. 07120004-011/off.

CAS #108-88-3

acute criterion: 1,750 ug/l chronic criterion: 140 ug/l

Chemical: Xylenes o-Xylene
 p-Xylene

CAS #95-47-6
CAS #106-42-3

Date criteria derived: August 23, 1990
 Applicable waterbodies: Higgins Creek, Reach No. 07120004-011/off; unnamed tributary to Welsh Creek, Reach No. 07120007-008/off; Lux Creek, Reach No. 07130003-018/off; Wheeling Creek, Reach No. 07120004-011/off; unnamed drainage ditch to Saline Branch, Reach No. 05120901-013/off; unnamed tributary to Willey Creek, Reach No. 07120001-006/off; Poplar Creek, Reach No. 07120006-001/off; Lake Zurich, Reach No. 07120006-001/off; and Willow Creek, Reach No. 07120004-011/off.

acute criterion: o-Xylene = 187 ug/l; p-Xylene = 552 ug/l;

combined Xylenes = 1,500 ug/l

chronic criterion: o-Xylene = 15 ug/l; p-Xylene = 22 ug/l;

combined Xylenes = 117 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
 Illinois Environmental Protection Agency
 Division of Water Pollution Control
 2200 Churchill Road
 Post Office Box 19276
 Springfield, Illinois 62794-9276
 217/782-3362

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

NOTICE PURSUANT TO

ILL. REV. STAT. 1989, CH. 111 1/2, PAR. 1007.2(b)
 RCRA RULES PURSUANT TO SECTION 22.4(a)

Section 22.4(a) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" to the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 3001, 3002, 3003, 3004, and 3005, of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580). These rules are contained in 35 Ill. Adm. Code 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, and 728.

On January 9, 1992, in R91-13, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2(b).

Section 22.4(a) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are identical in substance to federal regulations promulgated by USEPA to implement the Federal Resource Conservation and Recovery Act. Section 7.2(b) of the Act requires that identical in substance rulemakings be completed within one year after the first USEPA action in any six month batch period. If the Board is unable to do so it must find that an "extension of time" is necessary, give the reasons why the one year period is insufficient for completion of the rulemaking, publish the finding and reasons in the Illinois Register and specify a date when the Board anticipated completion of the rulemaking.

The Board hereby finds that an extension of time is needed. March 26, 1992 is the anticipated completion date and the reasons are as follows:

This Docket R91-13, included a substantial body of new text, and a complete overhaul of the "third third" land disposal bans. To develop a Proposal efficiently, the Board needed the text of these USEPA rules in an electronic format. USEPA provided this. However, the request was made at a time during which USEPA was upgrading its data

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transmission abilities. Although the text the Board finally received was of excellent quality, it was not received until rather late.

The "third third" corrections comprise some 240 pages of text in the Board's format. The Federal Register on which this was based simply reprinted most of the USEPA rules, without presenting the corrections in a "strike and underline" format. Staff had to devote several weeks, prior to receipt of the electronic text, to extensive cross-reading of the texts to identify the changes.

Also, R91-3, the SDWA Update for the period 7-1-90 through 1-31-91 also was being processed. It is subject to a similar mandate to adopt identical in substance rules. The Board staff invested a substantial amount of time attempting to develop a Board proposal from the USEPA rules, as is discussed in the Board's Order of this same day in R91-3. The time spent in attempting to do so has resulted in delays in other rulemakings.

POLLUTION CONTROL BOARD

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NOTICE PURSUANT TO

ILL. REV. STAT. 1989, CH. 111 1/2, PAR. 1007.2(b)
SWDA RULES PURSUANT TO SECTION 17.5

Section 17.5 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" to federal regulations or amendments thereto promulgated by the Administrator of the USEPA to implement Sections 1412(b), 1414(c), 1417(a), 1445(a) of the Safe Drinking Water Act (P.L. 93-523), as amended. These rules are contained in 35 Ill. Adm. Code 611.

On January 9, 1992, in R91-3, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2(b).

Section 17.5 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are identical in substance to federal regulations promulgated by USEPA to implement the public water supply aspects of the federal Safe Drinking Water Act. Section 7.2(b) of the Act requires that identical in substance rulemakings be completed within one year after the first USEPA action in any six month batch period. If the Board is unable to do so it must find that an "extension of time" is necessary, give the reasons why the one year period is insufficient for completion of the rulemaking, publish the finding and reasons in the Illinois Register and specify a date when the Board anticipates completion of the rulemaking.

The Board hereby finds that an extension of time is needed. June 4, 1992 is the anticipated completion date and the reasons are as follows:

USEPA did not take any regulatory action during the normal six month batch period for the Update, i.e. 7-1-90 through 12-31-90. However, USEPA did adopt a major rulemaking in the January 30, 1991, Federal Register (the "Phase II Rules"). The Board therefore expanded the scope of this Update Docket to include the Phase II rules, and promptly began developing a Proposal. However, the

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Phase II rules have a large number of errors, and the Board is addressing them now so as not to repeat them in the Board rules. Although many of these are errors which can easily be corrected, others are more complex. In many cases, it is unclear what USEPA intended to say in the rule. Moreover, these errors are so numerous that they frequently interact, so that the interpretation of one provision depends on the interpretation of several other unclear provisions. Both USEPA and the Illinois Environmental Protection Agency have given some preliminary guidance. This has been a very time consuming process. The Board hopes to have a Proposal for Public Comment out by March 1, 1992.

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NOTICE PURSUANT TO

ILL. REV. STAT. 1989, CH. 111 1/2, PAR. 1007.2(b)
UST RULES PURSUANT TO SECTION 22.4(d)

Section 22.4(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3) requires the Board to adopt regulations which are "identical in substance" after the adoption of regulations by the USEPA to implement section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), or any amendments to such regulations. The Board shall adopt regulations relating to corrective action at underground storage tanks that are identical in substance to such federal regulations. These rules are contained in 35 Ill. Adm. Code 731.

On January 9, 1992, in R91-14, the Pollution Control Board entered the following order pursuant to Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2(b).

Section 22.4(d) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are identical in substance to federal regulations promulgated by the USEPA to implement the Underground Storage Tank (UST) Federal Resource Conservation and Recovery Act. Section 7.2(b) of the Act requires that identical in substance rulemakings be completed within one year after the first USEPA action in the batch period. If the Board is unable to do so it must find that an "extension of time" is necessary, give the reasons why the one year period is insufficient for completion of the rulemaking, publish the finding and reasons in the Illinois Register and specify a date when the Board anticipates completion of the rulemaking.

The Board hereby finds that an extension of time is needed. April 9, 1992 is the anticipated completion date and the reasons are as follows:

The first USEPA action during this batch period occurred on January 2, 1991. However, this does not itself require a change in the Board rules, because of the effect of P.A. 87-323, which requires the Board to repeal

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the Section involved. However, P.A. 87-323 itself required the Board to repeal that Section by January 1, 1992, a date which the Board has missed. The Board will therefore enter a "reasons for delay" Order.

The reasons for delay are the staff time which was devoted to R91-3 and R91-13, rulemakings which are also "identical in substance" rulemakings subject to the same time requirements. Separate "reasons for delay" orders have been entered in those dockets.

The Board has on January 9, 1992 adopted a Proposed Opinion and Order reflecting the revisions required by P.A. 87-323. The Board anticipated that it will be able to adopt these revisions by April 9, 1992.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 29, 1992 through February 4, 1992, and have been scheduled for review by the Committee at its March 3, 1992 meeting. Other items not contained in this published list may also be considered by the Committee at its March meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/13/92	Commissioner of Savings and Residential Finance, Savings Bank Act (38 Ill. Adm. Code 1075)	10/11/91 15 Ill. Reg. 14406	3/3/92
3/13/92	Commissioner of Savings and Loan Associations, Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 400)	10/11/91 15 Ill. Reg. 14394	3/3/92
3/16/92	Department of Conservation, Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)	12/13/91 15 Ill. Reg. 17817	3/3/92
3/16/92	Illinois Commerce Commission, Construction of Electric Power and Communication Lines (G.O. 160) (83 Ill. Adm. Code 305)	11/15/91 15 Ill. Reg. 16538	3/3/92
3/16/92	Department of Conservation, Fish Removal with Chemicals (17 Ill. Adm. Code 890)	12/13/91 15 Ill. Reg. 17811	3/3/92
3/19/92	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	9/13/91 15 Ill. Reg. 13274	3/3/92
3/20/92	Illinois Racing Board, Security Barns (11 Ill. Adm. Code 436)	11/1/91 15 Ill. Reg. 15655	3/3/92
3/20/92	Department of Central Management Services, Travel (80 Ill. Adm. Code 2800)	10/25/91 15 Ill. Reg. 15199	3/3/92

PROCLAMATION

92-030

FINANCIAL AID AWARENESS MONTH

Whereas, the State of Illinois has a strong commitment to the intellectual growth and career development of all its citizens; and

Whereas, the State of Illinois has fostered the development of an impressive complement of public, private, and proprietary programs of higher education; and

Whereas, a network of student financial assistance programs consisting of grants, scholarships, loans, and jobs provides access to these educational opportunities for thousands of citizens each year; and

Whereas, the Illinois Student Assistance Commission's responsibilities include providing scholarships, grants, and loans and encouraging families to begin saving early for postsecondary education; and

Whereas, the Illinois Student Assistance Commission and the Illinois Association of Student Financial Aid Administrators are conducting a series of informational programs to boost parent and student awareness about available financial aid resources;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1992 as FINANCIAL AID AWARENESS MONTH in Illinois. I encourage those who need financial assistance for higher education to take advantage of the opportunity to become more informed about financial aid programs available to our citizens.

Issued by the Governor January 17, 1992.

Filed with the Secretary of State January 31, 1992.

92-031

SEED MONTH

Whereas, the abundance of Illinois crops relies on fertile soil, diligent farmers, and high-quality seeds; and

Whereas, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and

Whereas, the seed industry in Illinois significantly contributes to the state's agricultural diversity as well as its economic integrity and, therefore, serves as a model enterprise for value-added products; and

Whereas, the Bureau of Laboratories of the Illinois Department of Agriculture tests the purity and germination of seeds and validates correctness of labeling. The official seed-certifying agency in the state is the Illinois Crop Improvement Association, an independent, nonprofit organization; and

Whereas, the Illinois Seed Dealers Association, in

cooperation with educational and regulatory agencies, has developed an effective seed program. The association also informs its membership of latest research developments, current legislation affecting the seed industry, and the availability of quality seed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1992 as SEED MONTH in Illinois, in appreciation of the efforts to ensure that seeds planted in our soil will help diminish hunger in the world.

Issued by the Governor January 17, 1992.

Filed with the Secretary of State January 31, 1992.

92-032

TRAVEL AGENT APPRECIATION WEEK

Whereas, the travel agents of Illinois have made significant contributions to the state's travel and tourism industry; and

Whereas, Illinois' travel agents have offered valuable services and assistance to Illinois travelers; and

Whereas, Illinois provides employment to approximately 20,000 travel agents; and

Whereas, Delta Air Lines has designated February 3-7, 1992, as Travel Agent Appreciation Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 3-7, 1992, as TRAVEL AGENT APPRECIATION WEEK in Illinois, in recognition of the valuable contributions travel agents have made to our state.

Issued by the Governor January 17, 1992.

Filed with the Secretary of State January 31, 1992.

92-033

SCHOOL GUIDANCE AND COUNSELING WEEK

Whereas, the education of our children, youth, and adults is a top priority of immeasurable value to the people of our state; and

Whereas, guidance and counseling are seen as necessary parts of the educational process because they provide children with the opportunity to learn life skills that are essential to their well-being and benefit our very complex society; and

Whereas, school counselors help students better understand themselves and their abilities, strengths, and talents as they relate to personal, social, and career developments; and

Whereas, parents, teachers, administrators, community leaders, school boards, and legislators have a significant influence on children and should be supportive of counseling; and

Whereas, National School Guidance and Counseling Week aims to increase public understanding of the importance of guidance and counseling programs for students;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

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proclaim February 3-8, 1992, as SCHOOL GUIDANCE AND COUNSELING WEEK in Illinois, in conjunction with the national observance. Issued by the Governor January 21, 1992.

Filed with the Secretary of State January 31, 1992.

92-034

WORLD OF CHILDREN DAY

Whereas, UNICEF is committed to improving the health and self-sufficiency of children in developing countries. Last year alone, UNICEF was instrumental in saving the lives of three million children and improved the quality of life for millions more; and

Whereas, the Chicago Committee for UNICEF is presenting the 11th annual "Chicago World of Children Award" to Deloris Jordan, President of the Michael Jordan Foundation, for her care and consideration for the world's children; and

Whereas, as a child in Arnhem, The Netherlands, after World War II, Audrey Hepburn's suffering and severe malnutrition were alleviated by an organization that evolved into UNICEF. This childhood experience fosters Ms. Hepburn's special affinity for UNICEF. As a UNICEF Goodwill Ambassador, she is an unstinting and eloquent advocate for the world's children and their needs, hopes, and dreams, using her grace and charm to bring the world's children to the forefront of public attention; and

Whereas, all donations to the U.S. Committee for UNICEF will be used to support UNICEF-assisted programs to improve the living conditions and well-being of millions of children and women throughout the world. Among the primary programs of UNICEF assistance are maternal and child health, universal immunizations, nutrition, family food production, and aid to children in especially difficult circumstances;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1, 1992, as WORLD OF CHILDREN DAY in Illinois, in recognition of UNICEF's dedication to the world's children.

Issued by the Governor January 21, 1992.

Filed with the Secretary of State January 31, 1992.

92-035

CHILD ABUSE AWARENESS DAY

Whereas, the Mike Singletary Invitational Eight Ball Tournament aims to generate awareness of issues concerning child abuse and neglect and their prevention; and

Whereas, the tournament is being held at Navy Pier in Chicago February 29, 1992; and

Whereas, stars and celebrities from the sports world will attend this charitable event; and

Whereas, all proceeds from the tournament will benefit the Chicago Chapter of National Child Rights Alliance, an

organization run by victims and survivors of child abuse and neglect;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 29, 1992, as CHILD ABUSE AWARENESS DAY in Illinois and salute Mike Singletary and the National Child Rights Alliance for exemplary efforts on behalf of our children.

Issued by the Governor January 23, 1992.

Filed with the Secretary of State January 31, 1992.

92-036

CHICAGO DENTAL SOCIETY MIDWINTER MEETING PROGRAM DAYS

Whereas, the Chicago Dental Society (CDS) strives to enhance the image and visibility of dentistry and dental care on a local level; and

Whereas, the CDS encourages the improvement of public health, promotes the art and science of dentistry, and represents the interest of the members of the profession and the public which it serves; and

Whereas, the CDS is hosting its 127th internationally renowned Midwinter Meeting February 16-19, 1992;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 16-19, 1992, as CHICAGO DENTAL SOCIETY MIDWINTER MEETING PROGRAM DAYS in Illinois and commend the Chicago Dental Society for its commitment to continuing education and better dental health.

Issued by the Governor January 24, 1992.

Filed with the State of Illinois January 31, 1992.

92-037

PASTORS ABE AND LOUISE RICHARDSON DAY

Whereas, Pastors Abe and Louise Richardson founded the Living Faith Ministries Incorporation in Champaign; and

Whereas, Pastors Abe and Louise Richardson have earned respect for the dedication they have shown to their community and church; and

Whereas, on November 3, 1991, they began an Interdenominational Praise and Worship Service to offer ministry to University of Illinois students, faculty, staff, and the Champaign-Urbana community; and

Whereas, on January 26, 1992, their ministry will be honored by its home church, Greater Holy Temple;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 26, 1992, as PASTORS ABE AND LOUISE RICHARDSON DAY in Illinois.

Issued by the Governor January 24, 1992.

Filed with the Secretary of State January 31, 1992.

92-038

RICHARD M. MORROW DAY

Whereas, Richard M. Morrow exemplifies the character and commitment that have marked a life of service and distinction. His integrity and acumen extend well beyond the boardroom and are recognized by countless individuals and organizations; and Whereas, Dick retired as Chairman and CEO of Amoco Corporation last February following an illustrious career; and Whereas, he is involved in a number of non-profit activities and community programs, serving as chairman of Leadership for Quality Education, chairman of the National Academy of Engineering, trustee of the Teachers Academy for Mathematics and Science, and member of the steering committee for the National Summit on Mathematics Assessment; and

Whereas, Dick is also chairman of Rush-Presbyterian-St. Luke's Medical Center, a trustee of the University of Chicago, and director of First Chicago Corporation and First National Bank of Chicago; and

Whereas, on February 4, 1992, Dick will receive the Abraham Lincoln Centre's Humanitarian Service Award, which is the Centre's way of expressing recognition and gratitude to him for his innumerable accomplishments and the values and sense of purpose he brings to the challenges in our community.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 4, 1992, as RICHARD M. MORROW DAY in Illinois and commend him for his unique contributions to the people of Illinois.

Issued by the Governor January 24, 1992.

Filed with the Secretary of State January 31, 1992.

92-039

NATHAN GOLD DAY

Whereas, Nathan Gold, chairman of the board of Publix Office Supplies, Inc., has earned respect as a Chicago businessman; and Whereas, Nathan established Publix in 1941, and the business has flourished under his direction; and

Whereas, in addition to the commitment he has shown in the business community, Nathan actively supports a variety of health, education, and social welfare organizations; and

Whereas, Nathan has been selected as the 1992 recipient of the "Spirit of Life Award" by the National Office Products Council for City of Hope, a research institute and pilot medical center. The council will bestow this honor upon Nathan at a special banquet to be held February 25 in the Chicago Hilton; and

Whereas, proceeds from the banquet will help fund the newly established Nathan Gold Research Fellowship at City of Hope;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 25, 1992, as NATHAN GOLD DAY in Illinois.

Issued by the Governor January 25, 1992.

Filed with the Secretary of State January 31, 1992.

92-040

UNIVERSITY OF CHICAGO MONTH

Whereas, the University of Chicago was founded by John D. Rockefeller in 1891, with William Rainey Harper as its first president; and

Whereas, the university is a private, nondenominational, coeducational institution of higher learning and research; and

Whereas, the university is home to 62 Nobel Laureates, eight of whom are currently serving on its faculty. Its faculty achieved the first controlled self-sustained nuclear chain reaction, Carbon-14 dating, the first live-donor liver transplant in the United States, and a myriad of other discoveries; and

Whereas, the university has been called the 'teacher of teachers.' More than 110 of its alumni serve as presidents and chancellors of higher learning institutions throughout our nation; and

Whereas, the University of Chicago enhances the social and economic fabric of our state, providing many benefits to our citizens; and

Whereas, the University of Chicago began observing its centennial year October 3, 1991;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1992 as UNIVERSITY OF CHICAGO MONTH in Illinois.

Issued by the Governor January 29, 1992.

Filed with the Secretary of State January 31, 1992.

ACTION CODES	
A - Adopted Rule	
AR	Adopted Repealer
C	Notice of Corrections
CC	Codification Changes
E	Emergency Rule
ER	Emergency Repealer
M	Modification to meet JCAR objections
O	JCAR Statement of Objections
JCAR - Joint Committee on Administrative Rules	
P	Proposed Rule
PF	Prohibited Filing Ordered by JCAR
PP	Peremptory or Court ordered Rules
PR	Proposed Repealer
R	Refusal to meet JCAR objection
RC	Statement of Recommendation
S	Suspension ordered by JCAR
W	Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285	III. Grain Insurance Act (P-18048/85; A-6818)
PART	
TITLE	
ACTION CODE	PAGE NUMBER
PAGE NUMBER	PAGE NUMBER
PREVIOUS VOLUME	ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (212) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (E-17398/91; S-1744) (E-2630)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-1899) (P-1921)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2031 Award Criteria & Procedure (P-9149/91; AR-2455)
 77 Ill. Adm. Code 2030 Award & Monitoring of Funds (P-9083/91; A-2457)
 77 Ill. Adm. Code 2030 Fiscal & Programmatic Requirements (P-9153/91; AR-2530)
 77 Ill. Adm. Code 2032 Suspension & Termination of Financial Assistance (P-9218; AR-2533)

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4 Ill. Adm. Code 125 Americans With Disabilities Act Grievance Procedures (P-2283)

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4 Ill. Adm. Code 450 Americans With Disabilities Act Grievance Procedures (P-2292)
 80 Ill. Adm. Code 303 Conditions of Employment (P-327)
 80 Ill. Adm. Code 304 General Provisions (P-334)
 80 Ill. Adm. Code 302 Merit & Fitness (P-336)
 80 Ill. Adm. Code 310 Pay Plan (P-342) (E-711)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (E-14734/91; M-2269)

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14 Ill. Adm. Code 520 Enterprise Zone Program (P-9787/91; A-89)
 47 Ill. Adm. Code 140 III. Clean & Beautiful Program (PR-13241/91; AR-2120)
 56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-8081/91; A-1524)

COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-11025/91; A-2535)
 83 Ill. Adm. Code 200 Rules of Practice (P-1936)
 83 Ill. Adm. Code 410 Standards of Service for Electric Utilities (P-11899/91; A-2544)
 83 Ill. Adm. Code 500 Standards of Service for Gas Utilities (P-11905/91; A-2550)

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17 Ill. Adm. Code 3035 Boat Access Area Development Program (P-14783/91; A-1797)
 17 Ill. Adm. Code 2520 Consignment of Licenses (P-2297)
 17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Illinois (P-2302)
 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-14157/91; A-570)
 17 Ill. Adm. Code 1010 III. List of Endangered & Threatened Fauna (P-13594/91; A-103)
 17 Ill. Adm. Code 3010 III. Snowmobile Grant Program (P-14794/91; A-1806)
 17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-14807/91; A-1816)
 17 Ill. Adm. Code 525 Nuisance Wildlife Control Permits (P-15647/91; A-1826)
 17 Ill. Adm. Code 3020 Nuisance Wildlife Establishment Fund Grant Program (P-14820/91; A-1833)
 17 Ill. Adm. Code 880 Snowmobile Trail Establishment Fund Grant Program (P-13603/91; A-109)
 17 Ill. Adm. Code 710 Taking of Reptiles & Amphibians, The (P-13603/91; A-109)
 17 Ill. Adm. Code 1538 Taking of Wild Turkeys-Spring Season, The (P-14833/91; A-1843)
 17 Ill. Adm. Code 1538 Urban Forestry Grant Program (P-775)

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20 Ill. Adm. Code 1580 Americans With Disabilities Act Grievance Procedure (P-1948)

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ACTION CODES

TYPE OF RULEMAKING

am	= amendment to existing Section	A	= Adopted rule	O	= ICAR Objection
cc	= codification changes	C	= Correction	P	= Proposed rule
n	= new Section	CC	= Codification Changes	PF	= Prohibited Filing
r	= repeal of existing Section	E	= Emergency rule	PP	= Peremptory rule
rc	= recodified	F	= Failure to Remedy Objections	R	= Refusal to Modify or Withdraw
#	= renumbered	M	= Modification	RC	= ICAR Recommendation
				S	= Suspended rule
				W	= Withdrawal of Proposed rule

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616.704	n	726.201	n
616.705	n	726.202	n
616.721	n	726.203	n
616.722	n	726.204	n
616.723	n	726.205	n
616.724	n	726.206	n
616.725	n	726.207	n
617.101	n	726.208	n
617.102	n	726.209	n
703.150	am	726.210	n
703.155	am	726.211	n
703.157	am	726.212	n
703.208	n	726.219	n
703.211	am	726.220	n
703.232	n	726.221	n
703.280	am	726.222	n
703.283	am	726.223	n
703.284	am	726.224	n
703.285	am	726.225	n
703.286	am	726.226	n
703.287	am	726.227	n
703.288	am	726.228	n
703.289	am	726.229	n
703.290	am	726.230	n
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703.292	am	726.232	n
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703.296	am	726.236	n
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703.298	am	726.238	n
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703.322	am	726.262	n
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703.329	am	726.269	n
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703.331	am	726.271	n
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703.357	am	726.297	n
703.358	am	726.298	n
703.359	am	726.299	n
703.360	am	726.300	n
703.361	am	726.301	n
703.362	am	726.302	n
703.363	am	726.303	n
703.364	am	726.304	n
703.365	am	726.305	n
703.366	am	726.306	n
703.367	am	726.307	n
703.368	am	726.308	n
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703.375	am	726.315	n
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703.378	am	726.318	n
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703.385	am	726.325	n
703.386	am	726.326	n
703.387	am	726.327	n
703.388	am	726.328	n
703.389	am	726.329	n
703.390	am	726.330	n
703.391	am	726.331	n
703.392	am	726.332	n
703.393	am	726.333	n
703.394	am	726.334	n
703.395	am	726.335	n
703.396	am	726.336	n
703.397	am	726.337	n
703.398	am	726.338	n
703.399	am	726.339	n
703.400	am	726.340	n
703.401	am	726.341	n
703.402	am	726.342	n
703.403	am	726.343	n
703.404	am	726.344	n
703.405	am	726.345	n
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703.416	am	726.356	n
703.417	am	726.357	n
703.418	am	726.358	n
703.419	am	726.359	n
703.420	am	726.360	n
703.421	am	726.361	n
703.422	am	726.362	n
703.423	am	726.363	n
703.424	am	726.364	n
703.425	am	726.365	n
703.426	am	726.366	n
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703.428	am	726.368	n
703.429	am	726.369	n
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703.433	am	726.373	n
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703.463	am	726.403	n
703.464	am	726.404	n
703.465	am	726.405	n
703.466	am	726.406	n
703.467	am	726.407	n
703.468	am	726.408	n
703.469	am	726.409	n
703.470	am	726.410	n
703.471	am	726.411	n
703.472	am	726.412	n
703.473	am	726.413	n
703.474	am	726.414	n
703.475	am	726.415	n
703.476	am	726.416	n
703.477	am	726.417	n
703.478	am	726.418	n
703.479	am	726.419	n
703.480	am	726.420	n
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703.517	am	726.457	n
703.518	am	726.458	n
703.519	am	726.459	n
703.520	am	726.460	n
703.521	am	726.461	n
703.522	am	726.462	n
703.523	am	726.463	n
703.524	am	726.464	n
703.525	am	726.465	n
703.526	am	726.466	n
703.527	am	726.467	n
703.528	am	726.468	n
703			

2008 S0	2008 S1	2008 S2	2008 S3	2008 S4	2008 S5	2008 S6	2008 S7	2008 S8	2008 S9	2008 S10	2008 S11	2008 S12	2008 S13	2008 S14	2008 S15	2008 S16	2008 S17	2008 S18	2008 S19	2008 S20	2008 S21	2008 S22	2008 S23	2008 S24	2008 S25	2008 S26	2008 S27	2008 S28	2008 S29	2008 S30	2008 S31	2008 S32	2008 S33	2008 S34	2008 S35	2008 S36	2008 S37	2008 S38	2008 S39	2008 S40	2008 S41	2008 S42	2008 S43	2008 S44	2008 S45	2008 S46	2008 S47	2008 S48	2008 S49	2008 S50	2008 S51	2008 S52	2008 S53	2008 S54	2008 S55	2008 S56	2008 S57	2008 S58	2008 S59	2008 S60	2008 S61	2008 S62	2008 S63	2008 S64	2008 S65	2008 S66	2008 S67	2008 S68	2008 S69	2008 S70	2008 S71	2008 S72	2008 S73	2008 S74	2008 S75	2008 S76	2008 S77	2008 S78	2008 S79	2008 S80	2008 S81	2008 S82	2008 S83	2008 S84	2008 S85	2008 S86	2008 S87	2008 S88	2008 S89	2008 S90	2008 S91	2008 S92	2008 S93	2008 S94	2008 S95	2008 S96	2008 S97	2008 S98	2008 S99	2008 S100	2008 S101	2008 S102	2008 S103	2008 S104	2008 S105	2008 S106	2008 S107	2008 S108	2008 S109	2008 S110	2008 S111	2008 S112	2008 S113	2008 S114	2008 S115	2008 S116	2008 S117	2008 S118	2008 S119	2008 S120	2008 S121	2008 S122	2008 S123	2008 S124	2008 S125	2008 S126	2008 S127	2008 S128	2008 S129	2008 S130	2008 S131	2008 S132	2008 S133	2008 S134	2008 S135	2008 S136	2008 S137	2008 S138	2008 S139	2008 S140	2008 S141	2008 S142	2008 S143	2008 S144	2008 S145	2008 S146	2008 S147	2008 S148	2008 S149	2008 S150	2008 S151	2008 S152	2008 S153	2008 S154	2008 S155	2008 S156	2008 S157	2008 S158	2008 S159	2008 S160	2008 S161	2008 S162	2008 S163	2008 S164	2008 S165	2008 S166	2008 S167	2008 S168	2008 S169	2008 S170	2008 S171	2008 S172	2008 S173	2008 S174	2008 S175	2008 S176	2008 S177	2008 S178	2008 S179	2008 S180	2008 S181	2008 S182	2008 S183	2008 S184	2008 S185	2008 S186	2008 S187	2008 S188	2008 S189	2008 S190	2008 S191	2008 S192	2008 S193	2008 S194	2008 S195	2008 S196	2008 S197	2008 S198	2008 S199	2008 S200	2008 S201	2008 S202	2008 S203	2008 S204	2008 S205	2008 S206	2008 S207	2008 S208	2008 S209	2008 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TITLE	n
120,100	n
120,110	n
120,120	n
120,130	n
120,140	n
120,150	n
120,160	n
120,170	n
350,10	an
350,20	an
350,280	an
1700,10	n
1700,20	n
1700,30	n
1700,40	n
1700,50	n
1700,60	n
2630,82	an
2630,83	an
2720,1	an
2720,5	an
2720,7	an
2720,10	an
2720,108	an
2720,130	an
2720,215	an
2720,240	an

2720.315	P-1485991; PF-1743)	am
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2725.115	P-1485991; PF-1743)	am
2725.237	P-1485991; PF-1743)	n
2732.305	P-1485991; PF-1743)	n
2765.45	P-1485991; PF-1743)	am
2765.55	P-1485991; PF-1743)	am
2765.60	P-1485991; PF-1743)	am
2765.68	P-1485991; PF-1743)	am
2770.110	P-1485991; PF-1743)	am
3400.110	P-1485991; PF-1743)	am
5400.210	P-1485991; PF-1743)	am
5400.310	P-1485991; PF-1743)	am
TITLE 59		
101.100	P-1485991; PF-1743)	n
103.90	P-1485991; PF-1743)	am
115.300	P-1485991; PF-1743)	am
115.320	P-1485991; PF-1743)	am
119.260	P-1485991; PF-1743)	am
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125.70	P-1485991; PF-1743)	am
130.110	P-1485991; PF-1743)	am
132.10	P-1485991; PF-1743)	am
132.15	P-1485991; PF-1743)	n
132.20	P-1485991; PF-1743)	n
132.25	P-1485991; PF-1743)	n
132.30	P-1485991; PF-1743)	n
132.35	P-1485991; PF-1743)	n
132.40	P-1485991; PF-1743)	n
132.45	P-1485991; PF-1743)	n
132.50	P-1485991; PF-1743)	n
132.55	P-1485991; PF-1743)	n
132.60	P-1105591; A-126)	n

132.70	(P-1997)	n
132.75	(P-1997)	n
132.80	(P-1997)	n
132.85	(P-1997)	n
132.90	(P-1997)	n
132.95	(P-1997)	n
132.100	(P-1997)	n
132.105	(P-1997)	n
132.110	(P-1997)	n
132.115	(P-1)	n
132.120	(P-1)	n
132.125	(P-1469)	n
132.130	(P-1469)	n
132.135	(P-1469)	n
132.140	(P-1469)	n
132.145	(P-1469)	n
132.150	(P-1469)	n
132.155	(P-8081/91; A-1524)	n
132.160	(P-8081/91; A-1524)	n
132.165	(P-14343/91; A-2556)	n
132.170	(P-14343/91; A-2556)	n
132.Ap.A	(P-14343/91; A-2556)	n
132.Ap.B	(P-14343/91; A-2556)	n
Th. A	(P-14343/91; A-2556)	n
Th. B	(P-14343/91; A-2556)	n
Th. C	(P-14343/91; A-2556)	n
135.30	(P-14343/91; A-2556)	am

[illegible][illegible]

TITLE 62
240.995
240.1400
240.1405
240.1410
240.1410
240.1420
240.1430
240.1440
240.1450
240.1460
240.1470
240.1500
240.1510
240.1520
240.1530

TITLE 68
1130.10
1130.20
1130.30
1130.40
1130.50
1130.60
1130.70

TITLE 71
2000.45
2000.100
2000.210
2000.245
2000.250
2000.320
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2000.410
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2000.500
2000.520
2000.540

<u>TITLE 74</u>	
750.40	
750.Ap. B	
750.Ap. C	

<u>TITLE 77</u>	
250.2720	
300.110	
300.120	
300.140	

[illegible]

TITLE 89 (CONTD.)

674.10 n (E-2690)
674.20 n (E-2690)
674.30 n (E-2690)
674.40 n (E-2690)
674.50 n (E-2690)
683.100 r (E-2688)
843.10 am (P-11572/91; A-2615)
845.20 am (P-11572/91; A-2615)
845.30 am (P-11572/91; A-2615)
845.40 am (P-11572/91; A-2615)

TITLE 92

171.6 am (P-15995/91; W-2696)
171.1000 am (P-15995/91; W-2696)
172.2000 am (P-16003/91; W-2697)
172.2215 am (P-16003/91; W-2697)
173.3000 am (P-16008/91; W-2698)
173.3000 am (P-15990/91; W-2695)
177.2000 am (P-16015/91; W-2699)
178.336.1.1 am (P-16015/91; W-2699)
178.336.1.5 am (P-16015/91; W-2699)
178.336.2000 am (P-16027/91; W-2700)
179.2000 am (P-13041/91; A-1655)
440.11. A am (P-13041/91; A-1655)
440.11. B am (P-13041/91; A-1655)
442.285 am (P-13072/91; A-1685)
442.11. A am (P-13072/91; A-1685)
442.11. E n (P-13072/91; A-1685)
530.10 n (P-2940/91; A-2193)
530.10 r (P-2940/91; A-2193)
530.20 n (P-2940/91; A-2193)
530.20 r (P-2940/91; A-2193)
530.30 n (P-2940/91; A-2193)
530.30 r (P-2940/91; A-2193)
530.40 n (P-2940/91; A-2193)
530.40 r (P-2940/91; A-2193)
530.50 n (P-2940/91; A-2193)
530.60 n (P-2940/91; A-2193)
530.100 n (P-2940/91; A-2193)
530.101 r (P-2940/91; A-2193)
530.102 r (P-2940/91; A-2193)
530.103 r (P-2940/91; A-2193)
530.104 r (P-2940/91; A-2193)
530.105 r (P-2940/91; A-2193)
530.106 r (P-2940/91; A-2193)
530.107 r (P-2940/91; A-2193)
530.108 r (P-2940/91; A-2193)
530.109 r (P-2940/91; A-2193)
530.110 n (P-2940/91; A-2193)
530.111 r (P-2940/91; A-2193)
530.112 r (P-2940/91; A-2193)
530.113 r (P-2940/91; A-2193)
530.114 r (P-2940/91; A-2193)
530.115 r (P-2940/91; A-2193)
530.116 r (P-2940/91; A-2193)
530.117 r (P-2940/91; A-2193)
530.118 r (P-2940/91; A-2193)
530.119 r (P-2940/91; A-2193)
530.120 n (P-2940/91; A-2193)
530.121 r (P-2940/91; A-2193)
530.122 r (P-2940/91; A-2193)
530.123 r (P-2940/91; A-2193)

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530.140 n (P-2940/91; A-2193)
530.150 n (P-2940/91; A-2193)
530.200 n (P-2940/91; A-2193)
530.201 r (P-2940/91; A-2193)
530.202 r (P-2940/91; A-2193)
530.203 r (P-2940/91; A-2193)
530.210 r (P-2940/91; A-2193)
530.220 n (P-2940/91; A-2193)
530.225 n (P-2940/91; A-2193)
530.230 n (P-2940/91; A-2193)
530.240 n (P-2940/91; A-2193)
530.250 n (P-2940/91; A-2193)
530.260 n (P-2940/91; A-2193)
530.270 n (P-2940/91; A-2193)
530.275 n (P-2940/91; A-2193)
530.290 n (P-2940/91; A-2193)
530.300 n (P-2940/91; A-2193)
530.301 r (P-2940/91; A-2193)
530.302 r (P-2940/91; A-2193)
530.303 r (P-2940/91; A-2193)
530.310 n (P-2940/91; A-2193)
530.320 n (P-2940/91; A-2193)
530.330 n (P-2940/91; A-2193)
530.400 n (P-2940/91; A-2193)
530.401 r (P-2940/91; A-2193)
530.402 r (P-2940/91; A-2193)
530.403 r (P-2940/91; A-2193)
530.410 n (P-2940/91; A-2193)
530.420 n (P-2940/91; A-2193)
530.430 n (P-2940/91; A-2193)
530.440 n (P-2940/91; A-2193)
530.450 n (P-2940/91; A-2193)
530.460 n (P-2940/91; A-2193)
530.470 n (P-2940/91; A-2193)
530.480 n (P-2940/91; A-2193)
530.500 n (P-2940/91; A-2193)
530.501 r (P-2940/91; A-2193)
530.502 r (P-2940/91; A-2193)
530.503 r (P-2940/91; A-2193)
530.510 n (P-2940/91; A-2193)
530.510 n (P-2940/91; A-2193)
530.550 n (P-2940/91; A-2193)
530.550 n (P-2940/91; A-2193)
530.600 n (P-2940/91; A-2193)
530.601 r (P-2940/91; A-2193)
530.602 r (P-2940/91; A-2193)
530.603 r (P-2940/91; A-2193)
530.610 n (P-2940/91; A-2193)
530.700 n (P-2940/91; A-2193)
530.701 r (P-2940/91; A-2193)
530.702 r (P-2940/91; A-2193)
530.710 n (P-2940/91; A-2193)
530.800 n (P-2940/91; A-2193)
530.801 r (P-2940/91; A-2193)
530.802 r (P-2940/91; A-2193)
530.803 r (P-2940/91; A-2193)
530.804 r (P-2940/91; A-2193)
530.810 n (P-2940/91; A-2193)
530.820 n (P-2940/91; A-2193)
530.830 n (P-2940/91; A-2193)
530.840 n (P-2940/91; A-2193)
530.900 n (P-2940/91; A-2193)
530.901 r (P-2940/91; A-2193)
530.902 r (P-2940/91; A-2193)

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116.40 am (P-558)
121.20 n (P-561)
121.30 n (P-561)
121.40 n (P-561)
121.50 n (P-561)
121.60 n (P-561)
121.70 n (P-561)
121.80 n (P-561)
121.90 n (P-561)
121.100 n (P-561)
121.110 n (P-561)
121.120 n (P-561)
121.130 n (P-561)
121.140 n (P-561)
121.150 n (P-561)
121.160 n (P-561)
121.170 n (P-561)
121.180 n (P-561)
121.190 n (P-561)
121.200 n (P-561)
121.210 n (P-561)
121.220 n (P-561)
121.230 n (P-561)
122.10 n (P-2113)
122.20 n (P-2113)
122.30 n (P-2113)
122.40 n (P-2113)
122.50 n (P-2113)
122.60 n (P-2113)
122.70 n (P-2113)

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TITLE 77 (CONT'D)

2030.360	n	(P-9083/91: A-2457)	2030.1070	n	(P-9083/91: A-2457)
2030.410	n	(P-9083/91: A-2457)	2030.1080	n	(P-9083/91: A-2457)
2030.410	n	(P-9153/91: A-2530)	2030.1090	n	(P-9083/91: A-2457)
2030.420	n	(P-9083/91: A-2457)	2030.1110	n	(P-9083/91: A-2457)
2030.420	n	(P-9153/91: A-2530)	2030.1110	n	(P-9153/91: A-2530)
2030.430	n	(P-9083/91: A-2457)	2030.1120	n	(P-9083/91: A-2457)
2030.430	n	(P-9153/91: A-2530)	2030.1120	n	(P-9153/91: A-2530)
2030.440	n	(P-9083/91: A-2457)	2030.1130	n	(P-9083/91: A-2457)
2030.440	n	(P-9153/91: A-2530)	2030.1130	n	(P-9153/91: A-2530)
2030.450	n	(P-9083/91: A-2457)	2030.1140	n	(P-9083/91: A-2457)
2030.450	n	(P-9153/91: A-2530)	2030.1150	n	(P-9083/91: A-2457)
2030.460	n	(P-9083/91: A-2457)	2030.1160	n	(P-9083/91: A-2457)
2030.460	n	(P-9153/91: A-2530)	2030.1170	n	(P-9083/91: A-2457)
2030.510	n	(P-9083/91: A-2457)	2030.1205	n	(P-9083/91: A-2457)
2030.510	n	(P-9153/91: A-2530)	2030.1210	n	(P-9083/91: A-2457)
2030.520	n	(P-9083/91: A-2457)	2030.1210	n	(P-9153/91: A-2530)
2030.520	n	(P-9153/91: A-2530)	2030.1220	n	(P-9083/91: A-2457)
2030.530	n	(P-9083/91: A-2457)	2030.1230	n	(P-9153/91: A-2530)
2030.530	n	(P-9153/91: A-2530)	2030.1240	n	(P-9153/91: A-2530)
2030.540	n	(P-9083/91: A-2457)	2030.1250	n	(P-9153/91: A-2530)
2030.550	n	(P-9083/91: A-2457)	2030.1260	n	(P-9153/91: A-2530)
2030.610	n	(P-9153/91: A-2530)	2030.1270	n	(P-9153/91: A-2530)
2030.610	n	(P-9083/91: A-2457)	2030.1215	n	(P-9083/91: A-2457)
2030.620	n	(P-9153/91: A-2530)	2030.1225	n	(P-9083/91: A-2457)
2030.630	n	(P-9083/91: A-2457)	2030.1230	n	(P-9083/91: A-2457)
2030.630	n	(P-9153/91: A-2530)	2030.1250	n	(P-9083/91: A-2457)
2030.640	n	(P-9153/91: A-2530)	2030.1260	n	(P-9083/91: A-2457)
2030.710	n	(P-9083/91: A-2457)	2030.1245	n	(P-9083/91: A-2457)
2030.710	n	(P-9153/91: A-2530)	2030.1250	n	(P-9083/91: A-2457)
2030.720	n	(P-9083/91: A-2457)	2030.1255	n	(P-9083/91: A-2457)
2030.720	n	(P-9153/91: A-2530)	2030.1265	n	(P-9083/91: A-2457)
2030.730	n	(P-9083/91: A-2457)	2030.1310	n	(P-9083/91: A-2457)
2030.730	n	(P-9153/91: A-2530)	2030.1310	n	(P-9153/91: A-2530)
2030.740	n	(P-9083/91: A-2457)	2030.1320	n	(P-9083/91: A-2457)
2030.740	n	(P-9153/91: A-2530)	2030.1330	n	(P-9153/91: A-2530)
2030.750	n	(P-9083/91: A-2457)	2030.1340	n	(P-9153/91: A-2530)
2030.750	n	(P-9153/91: A-2530)	2030.1350	n	(P-9153/91: A-2530)
2030.760	n	(P-9083/91: A-2457)	2031.10	n	(P-9153/91: A-2530)
2030.760	n	(P-9153/91: A-2530)	2032.15	n	(P-9153/91: A-2530)
2030.810	n	(P-9083/91: A-2457)	2032.20	n	(P-9153/91: A-2530)
2030.810	n	(P-9153/91: A-2530)	2032.25	n	(P-9153/91: A-2530)
2030.820	n	(P-9083/91: A-2457)	2032.30	n	(P-9153/91: A-2530)
2030.820	n	(P-9153/91: A-2530)	2032.35	n	(P-9153/91: A-2530)
2030.830	n	(P-9083/91: A-2457)	2032.40	n	(P-9153/91: A-2530)
2030.840	n	(P-9083/91: A-2457)	2032.45	n	(P-9153/91: A-2530)
2030.850	n	(P-9083/91: A-2457)	2032.50	n	(P-9153/91: A-2530)
2030.910	n	(P-9083/91: A-2457)	2032.55	n	(P-9153/91: A-2530)
2030.910	n	(P-9153/91: A-2530)	2032.60	n	(P-9153/91: A-2530)
2030.920	n	(P-9083/91: A-2457)			
2030.920	n	(P-9153/91: A-2530)			
2030.930	n	(P-9083/91: A-2457)			
2030.930	n	(P-9153/91: A-2530)			
2030.940	n	(P-9083/91: A-2457)			
2030.940	n	(P-9153/91: A-2530)			
2030.960	n	(P-9083/91: A-2457)			
2030.960	n	(P-9153/91: A-2530)			
2030.970	n	(P-9083/91: A-2457)			
2030.970	n	(P-9153/91: A-2530)			
2030.980	n	(P-9083/91: A-2457)			
2030.980	n	(P-9153/91: A-2530)			
2030.1010	n	(P-9083/91: A-2457)			
2030.1010	n	(P-9153/91: A-2530)			
2030.1020	n	(P-9083/91: A-2457)			
2030.1020	n	(P-9153/91: A-2530)			
2030.1030	n	(P-9083/91: A-2457)			
2030.1030	n	(P-9153/91: A-2530)			
2030.1040	n	(P-9083/91: A-2457)			
2030.1040	n	(P-9153/91: A-2530)			
2030.1050	n	(P-9083/91: A-2457)			
2030.1050	n	(P-9153/91: A-2530)			
2030.1060	n	(P-9083/91: A-2457)			
2030.1060	n	(P-9153/91: A-2530)			

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TITLE 80 (CONT'D)

310.Tb. F	am	(P-342)	120.285	n	(P-1213/91: A-139)
310.Tb. G	am	(P-342)	120.290	n	(P-1213/91: A-139)
310.Tb. H	am	(P-342)	120.295	n	(P-1213/91: A-139)
310.Tb. I	am	(P-342)	120.319	n	(P-833/91: A-1862)
310.Tb. J	am	(P-342)	120.320	n	(P-833/91: A-1862)
310.Tb. K	am	(P-342)	120.321	n	(P-833/91: A-1862)
310.Tb. L	am	(P-342)	120.322	n	(P-833/91: A-1862)
310.Tb. M	am	(P-342)	120.323	n	(P-833/91: A-1862)
310.Tb. N	am	(P-342)	121.58	n	(P-2420)
310.Tb. O	am	(P-342)	121.63	n	(E-757)
310.Tb. P	am	(P-342)	121.72	n	(P-2420)
310.Tb. Q	am	(P-342)	121.73	n	(P-2420)
310.Tb. R	am	(P-342)	140.2	n	(P-1717/91: A-174)
310.Tb. S	am	(P-342)	140.5	n	(P-1717/91: A-174)
310.Tb. T	am	(P-342)	140.27	n	(P-65) (E-300)
310.Tb. U	am	(P-342)	140.526	n	(P-472)
310.Tb. V	am	(P-342)	140.527	n	(P-472)
310.Tb. W	am	(P-342)	140.528	n	(P-472)
310.Tb. X	am	(P-342)	140.529	n	(P-472)
310.Tb. Y	am	(P-342)	140.539	n	(P-472)
310.Tb. Z	am	(P-342)	140.565	n	(P-472)
			140.600	n	(P-472)
			140.602	n	(P-472)
			140.604	n	(P-472)
			140.606	n	(P-472)
			140.608	n	(P-472)
			140.610	n	(P-472)
			140.612	n	(P-472)
			140.614	n	(P-472)
			140.616	n	(P-472)
			140.646	n	(P-472)
			148.140	n	(P-6949/91: A-1877)
			150.10	n	(P-1786)
			150.120	n	(E-2258)
			150.130	n	(E-2258)
			150.140	n	(E-2258)
			150.150	n	(E-2258)
			150.160	n	(E-2258)
			150.170	n	(E-2258)
			150.180	n	(E-2258)
			150.190	n	(E-2258)
			150.200	n	(E-2258)
			150.210	n	(E-2258)
			150.220	n	(E-2258)
			150.230	n	(E-2258)
			150.240	n	(E-2258)
			150.250	n	(E-2258)
			150.260	n	(E-2258)
			150.270	n	(E-2258)
			150.280	n	(E-2258)
			150.282	n	(E-2258)
			150.283	n	(E-2258)
			150.284	n	(E-2258)

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